

भारत का राजपत्र **The Gazette of India**

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सं० २४] नई दिल्ली, शनिवार, जून १३, १९७०/उपे० २३, १८९२
 No. 24] NEW DELHI, SATURDAY, JUNE 13, 1970/ JYAISTHA 23, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
 क्षेत्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिवृत्तियाँ।

Statutory orders and notifications issued by the Ministries of the Govern-
 ment of India (other than the Ministry of Defence) and by Central
 Authorities (other than the Administration of Union Territories).

MINISTRY OF LAW
 (Legislative Department)
 New Delhi, May 30, 1970

S.O. 2075.—In pursuance of section 20 of the Presidential and Vice-Presidential
 Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the
 order made on the 11th May, 1970 by the Supreme Court of India, in Election
 Petition No. 1 of 1969.

“IN THE SUPREME COURT OF INDIA
 ORIGINAL JURISDICTION

ELECTION PETITION NO. 1 OF 1969

(Under Part III of the Presidential and Vice-Presidential Elections Act, 1952)

Shiv Kirpal Singh son of Shri Bhagwant Singh resident of village Saldpura,
 Post Office Kheri Nodh Singh, Tehsil Samrala, District Ludhiana—
 Petitioner.

Versus

Shri V. V. Giri, The President of India, Rashtrapati Bhawan, New Delhi—
 Respondent.

11th May, 1970.

CORAM :

Hon'ble Mr. Justice S. M. Sikri.

Hon'ble Mr. Justice J. M. Shelat.

Hon'ble Mr. Justice V. Bhargava.

Hon'ble Mr. Justice G. K. Mitter.

Hon'ble Mr. Justice C. A. Vaidialingam.

For the Petitioner—M/s. K. C. Sharma, M. S. Gupta, K. L. Rath and C. L. Lakhanpal, Advocates.

For the Respondent—M/s. C. K. Daphtary, D. Narasaraaju, Mohan Kumaramangalam and S. T. Desai, Senior Advocates (M/s. S. K. Dholakia and A. S. Namblar, Advocates with them).

For the Petitioner—M/s. K. C. Sharma, M. S. Gupta, K. L. Rath and Returning Officer, Presidential Election—Mr. Jagdish Swarup, Solicitor General of India, Dr. L. M. Singhvi, Senior Advocate (M/s. S. P. Nayar, R. H. Dhebar and Miss Lily Thomas, Advocates with them).

The Petition above-mentioned alongwith Election Petitions Nos. 3 to 5 of 1969 being called on for hearing before this Court on the 12th to 16th, 19th to 23rd and 30th days of January, 1970 and 23rd and 24th days of April, 1970 UPON hearing Counsel for the Petitioner and Respondent and Counsel for the Attorney General for India, Election Commission of India and Returning Officer; THIS COURT took time to consider its Judgment and the said Petition being called on for orders on the 11th day of May 1970 THIS COURT while observing that the reasons will be announced later on DOTH ORDER; (1) THAT the Petition above-mentioned be and is hereby dismissed; (2) THAT there shall be no order as to costs of this Petition;

WITNESS the Hon'ble Mr. Mohammad Hidayatullah, Chief Justice of India at the Supreme Court, New Delhi dated this the 11th day of May, 1970.

(Sd.) M. P. SAXENA,
Deputy Registrar."
[No. 10(6)/70-Leg.II.]

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 30 मई, 1970

का० आ० 2075.—राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम 1952 (1952 का 31) की धारा 20 के अनुसरण में केन्द्रीय सरकार 1969 की निर्वाचन अर्जी संख्या 1 में भारत के उच्चतम न्यायालय द्वारा 11 मई, 1970 को दिया गया आदेश एतद्वारा प्रकाशित करती है।

“भारत के उच्चतम न्यायालय में

मूल अधिकारिता

1969 की निर्वाचन अर्जी संख्या 1

(राष्ट्रपतीय और उपराष्ट्रपतीय, निर्वाचन अधिनियम 1952 के भाग 3 के अधीन)

श्री भगवन्त सिंह के पुत्र शिव कृपाल सिंह निवासी ग्राम सैदपुरा, डाकघर—

खेड़ी नोब सिंह, तहसील समराला, जिला लुधियाना

—अर्जीदार

बनाम

श्री बी० बी० गिरी, भारत के राष्ट्रपति, राष्ट्रपति भवन, नई दिल्ली

—प्रत्यर्धी

11 मई, 1970

न्यायाधिपति श्री एस० एम० सीकरी

न्यायाधिपति श्री जे० एम० शैलत

न्यायाधिपति श्री वी० भागव

न्यायाधिपति श्री जी० के० मि त्र

न्यायाधिपति श्री सी० ए० वैद्यलिंगम्

की उपस्थिति में

अर्जीदार की ओर से :

अधिवक्ता सर्व श्री के० सी० शर्मा, एम० एस०
गुप्त, के० एल० राठी और सी० एल० लखन-
पाल ।

प्रत्यर्थी की ओर से :

वरिष्ठ अधिवक्ता सर्व श्री सी० के० दफ्तरी, डी०
नरसाराजू, मोहन कुमार मंगलम् और एस०
टी० देसाई (उनके साथ अधिवक्ता सर्व श्री
एस० के० डोलकिया और ए० एस० नम्बियार)।

भारत के महा न्यायवादी :

भारत के निर्वाचनआयोग और राष्ट्रपतीय
निर्वाचनके रिटनिंग आफिसर की ओर से :

भारत के महा सोलिसीटर श्री जगदीशस्वरूप
वरिष्ठ अधिवक्ता डा० एल० एम० सिंघवी
(उनके साथ अधिवक्ता सर्व श्री एस० पी०
नायर, आर० एच० डेबर और कुमारी लिली
टामस) ।

1969 की संख्या 3 से 5 तक की निर्वाचन प्रक्रिययो के साथ उपर्युक्त अर्जी 12 से 16, 19 से 23 और 30 जनवरी, 1970 और 23 और 24 अप्रैल, 1970 को इस न्यायालय के समक्ष सुनवाई के लिए पेश किये जाने पर अर्जीदार और प्रत्यर्थी के काउंसेल और भारत के महा न्यायवादी भारत के निर्वाचन आयोग और रिटनिंग आफिसर के काउंसेल को सुनने के पश्चात् इस न्यायालय ने अपने निर्णय पर विचार करने के लिए कुछ समय लिया और उक्त अर्जी के 11 मई, 1970 को आदेश के लिए पेश होने पर यह न्यायालय यह बताते हुए कि कारणों की घोषणा बाद में की जायेगी आदेश देता है (1) कि उपर्युक्त अर्जी खारिज हो और एतद् द्वारा खारिज की जाती है ; (2) कि इस अर्जी के खर्च की बाबत कोई आदेश नहीं होगा ;

आज 11 मई, 1970 को उच्चतम न्यायालय, नई दिल्ली में भारत के मुख्य न्यायमूर्ति श्री मुहम्मद हियायतुल्लाह इसके साक्षी हैं ।

हस्ताक्षर
एम० पी० सक्सेना
उप रजिस्ट्रार । ”

S.O. 2076.—In pursuance of section 20 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 11th May, 1970 by the Supreme Court of India, in Election Petition No. 3 of 1969.

“IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

ELECTION PETITION No. 3 of 1969

(Under Part III of the Presidential and Vice-Presidential Elections Act, 1952)

Shri Phul Singh son of Shri Mussaddi Lal, of Village Mothronwala, District Dehra Dun—*Petitioner.*

Versus

1. The Union of India, through the Election Commission, New Delhi.
2. Shri V. V. Giri, President of the Union of India, New Delhi—*Respondents.*

11th May, 1970.

CORAM :

Hon'ble Mr. Justice S. M. Sikri.
 Hon'ble Mr. Justice J. M. Shelat.
 Hon'ble Mr. Justice V. Bhargava.
 Hon'ble Mr. Justice G. K. Mitter.
 Hon'ble Mr. Justice C. A. Valdiaalingam.

The Petitioner in Person

*For Respondent No. 1, Attorney General for India, and Returning Officer, Presidential Election—*Mr. Jagdish Swarup, Solicitor General of India, Dr. L. M. Singhvi, Senior Advocate (M/s. R. H. Dhebar and S. P. Nayar, Advocates with them).

*For Respondent No. 2—*Mr. C. K. Daphtary, Mr. D. Narasaraaju and Mr. Mohan Kumaramangalam, Senior Advocates (M/s. A. S. Namblar and S. K. Dholakia, Advocates with them).

THE ELECTION PETITION above-mentioned alongwith Election Petition Nos. 1, 4 and 5 of 1969 being called on for hearing on the 12th to 16th, 19th to 23rd and 30th days of January 1970 UPON hearing the Petitioner in Person and Counsel for the Respondents, Attorney General for India and the Returning Officer, the Court took time to consider its Judgment and the Petition being called on for orders on the 11th day of May 1970 THIS COURT while observing that the reasons will be announced later on DOTH ORDER (1) THAT the Petition above-mentioned be and is hereby dismissed; (2) THAT there shall be no order as to costs of this Petition.

WITNESS the Hon'ble Mr. Mohammad Hidayatullah, Chief Justice of India at the Supreme Court, New Delhi dated this the 11th day of May, 1970.

(Sd.) M. P. SAXENA,
 Deputy Registrar.”
 [No. 10(6)/70-Leg.II.]

का० प्र० 2076—राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम 1952 (1952 का) 1 की धारा 20 के अनुसरण में, केन्द्रीय सरकार, 1969 की निर्वाचन प्रज्ञी संख्या 3 में भारत के उच्चतम न्यायालय द्वारा 11 मई, 1970 को दिया गया आदेश एतद्द्वारा प्रकाशित करती है।

“भारत के उच्चतम न्यायालय में

मूल अधिकारिता

1969 की निर्वाचन अर्जी संख्या 3

(राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम, 1952 के भाग 3 के अधीन)

श्री मुस्तद्दी लाल के पुत्र श्री फूल सिंह निवासी ग्राम मोहनवाला जिला देहरादून—अर्जीदार

बनाम

1. भारत संघ मार्फत निर्वाचन आयोग, नई दिल्ली।
2. श्री बी० बी० गिरी, भारत संघ के राष्ट्रपति, नई दिल्ली —प्रत्यर्थी।

11 मई 1970

न्यायाधिपति श्री एस० एम० सीकरी

न्यायाधिपति श्री जे० एम० शैलत

न्यायाधिपति श्री बी० भार्गव

न्यायाधिपति श्री जी० के० मिस्तर

न्यायाधिपति श्री सी० ए० वैद्यलिंगम्

की उपस्थिति में

अर्जीदार स्वयं

प्रत्यर्थी संख्या 1, भारत के महान्यायवादी और राष्ट्रपतीय निर्वाचन के रिटर्निंग आफिसर, की ओर से भारत के महा सौलिसीटर श्री जगदीशस्वरूप, वरिष्ठ अधिवक्ता डा० एल० एम० सिंघवी (उनके साथ अधिवक्ता सर्वश्री आर० एच० डेबर और एस० पी० नायर)

प्रत्यर्थी संख्या 2 की ओर से : वरिष्ठ अधिवक्ता श्री सी० के० दफ्तरी, श्री डी० नरसाराजू और श्री मोहनकुमार मंगलम् (उनके साथ सर्वश्री ए० एस० नम्बियार और एस० के० डोलकिया)

1969 की संख्या 1, 4 और 5 की निर्वाचन अर्जियों के साथ उपर्युक्त अर्जी 12 से 16, 19 से 23 और 30 जनवरी 1970 को सुनवाई के लिए पेश किए जाने पर, अर्जीदार को स्वयं और प्रत्यर्थियों, भारत के महान्यायवादी और रिटर्निंग आफिसर के काउन्सेल को सुनने के पश्चात् इस न्यायालय ने अपने निर्णय पर विचार करने के लिए कुछ समय लिया और अर्जी के 11 मई, 1970 को आदेश के लिए पेश होने पर यह न्यायालय यह बताते हुए कि कारणों की घोषणा बाद में की जाएगी, आदेश देता है, (1) कि उपर्युक्त अर्जी खारिज हो और एतद्द्वारा खारिज की जाती है : (2) कि इस अर्जी के खर्च की बाबत कोई आदेश नहीं होगा।

भाज 11 मई, 1970 को उच्चतम न्यायालय, नई दिल्ली में भारत के मुख्य न्यायमूर्ति श्री मुहम्मद हिदायतुल्लाह इसके साक्षी हैं।

हस्ताक्षर

एम० पी० सक्सेना,

उप रजिस्ट्रार ।”

[10 (6)/70—विधायी II]

S.O. 2077.—In pursuance of section 20 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 11th May, 1970 by the Supreme Court of India, in Election Petition No. 4 of 1969.

“IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

ELECTION PETITION NO. 4 OF 1969

(Under Part III of the Presidential and Vice-Presidential Election Act, 1952)

1. Shri N. Sri Rama Reddi, Member, Parliament, Rajya Sabha, 13-B, Ferozeshah Road, New Delhi.
2. Shri S. Narayanappa, Member, Parliament, Rajya Sabha, 13-C, Ferozeshah Road, New Delhi.
3. Shri J. C. Nagi Reddy, Member, Parliament, Rajya Sabha, 14-A, Ferozeshah Road, New Delhi.
4. Shri B. Anjanappa, Member, Parliament, Rajya Sabha, 223, North Avenue, New Delhi.
5. Shri Suresh J. Desai, Member, Parliament, Rajya Sabha, 18, Meena Bagh, New Delhi-11.
6. Shri Nanu Bhai, N. Patel, Member, Parliament, Lok Sabha, 176, North Avenue, New Delhi-1.
7. Shri Bhaljibhai Ravjibhai Parmar, Member, Parliament, Lok Sabha, 88, North Avenue, New Delhi.
8. Shri Digvijay Narain Singh, Member, Parliament, Lok Sabha, 12, Dr. Rajendra Prasad Road, New Delhi.
9. Shri C. D. Pande, Member, Parliament, Lok Sabha, 10, Dr. Rajendra Prasad Road, New Delhi-1.
10. Smt. Pushpa Vati Mehra, Member, Parliament, Rajya Sabha, 105, North Avenue, New Delhi-1.
11. Shri S. M. Solanki, Member, Parliament, Lok Sabha, 110, North Avenue, New Delhi-1.
12. Shri Manu Bhai Patel, Member, Parliament, Lok Sabha, 2, Ferozeshah Road, New Delhi-1.
13. Shri S. A. Agadi, Member, Parliament, Lok Sabha, 128, South Avenue, New Delhi-11.

—Petitioners.

Versus

Shri V. V. Giri, The President of India, Rashtrapati Bhawan, New Delhi—Respondent.

11th May, 1970.

CORUM:

- Hon'ble Mr. Justice S. M. Sikri.
 Hon'ble Mr. Justice J. M. Shelat.
 Hon'ble Mr. Justice V. Bhargava.
 Hon'ble Mr. Justice G. K. Mitter.
 Hon'ble Mr. Justice C. A. Vaidialingam.

For the Petitioners—M/s. K. C. Sharma, K. L. Rathl, C. L. Lakhanpal, S. K. Dhingra and M. S. Gupta, Advocates.

For the Respondent—M/s. C. K. Daphtary, D. Narasaraju, S. T. Desai and Mohan Kumaramangalam, Senior Advocates (M/s. H. K. L. Bhagat, S. K. Dholakia, J. B. Dadachanji Ravinder Narain, and O. C. Mathur, Advocates with them).

For the Attorney General for India, Election Commission and Returning Officer, Presidential Election—Dr. Jagadish Swarup, Solicitor General of India, Dr. L. M. Singhvi, Senior Advocate (M/s. R. H. Dhebar and S. P. Nayar, Advocates with them).

THE Petition above-mentioned alongwith Election Petitions Nos. 1, 3 and 5 of 1969 being called on for hearing before this Court on the 12th to 16th, 19th to 23rd and 30th days of January, 1970, 23rd to 27th days of February, 1970, 2nd to 6th, 11th to 13th, 16th to 18th, 30th and 31st day of March, 1970; 1st to 3rd, 6th to 10th, 13th and 14th, 16th, 17th, 20th to 24th, 27th to 30th days of April, 1970, 1st and 4th to 8th days of May 1970 UPON hearing Counsel for the parties and Counsel for the Attorney General, Election Commission and Returning Officer the COURT TOOK time to consider its Judgment AND the Petition being called on for orders on the 11th day of May 1970 THIS COURT while observing that the reasons will be announced later on DOTH ORDER; (1) THAT the Petition above-mentioned be and the same is hereby dismissed; (2) THAT there shall be no order as to costs of this Petition.

WITNESS the Hon'ble Mr. Mohammad Hidayatullah, Chief Justice of India at the Supreme Court, New Delhi dated this the 11th day of May, 1970.

(Sd.) S. M. SAXENA,
Deputy Registrar."

[No. 10(6)/70-Leg-II.]

का०आ० 2077.—राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम, 1952 (1952 का 31) की धारा 20 के अनुसरण में, केन्द्रीय सरकार, 1959 की निर्वाचन अर्जी संख्या 4 में भारत के उच्चतम न्यायालय द्वारा 11 मई, 1970 को दिया गया आदेश एतद्वारा प्रकाशित करती है।

“भारत के उच्च न्यायालय में

मूल अधिकारिता

1969 की निर्वाचन अर्जी संख्या 4

(राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम, 1952 के भाग 3 के अधीन)

1. श्री एन० श्री रामा रेड्डी, संसद सदस्य, राज्य सभा, 13—बी, फिरोजशाह रोड, नई दिल्ली।
2. श्री एस० नारायणप्पा, संसद सदस्य, राज्य सभा, 13—सी, फिरोजशाह रोड, नई दिल्ली।
3. श्री जे० सी० नागी रेड्डी, संसद सदस्य, राज्य सभा, 14—ए, फिरोजशाह रोड, नई दिल्ली।
4. श्री बी० अंजनप्पा, संसद सदस्य, राज्य सभा, 223, नोर्थ एवेन्यू, नई दिल्ली।
5. श्री सुरेश जे० देसाई, संसद सदस्य, राज्य सभा, 18, मीनाबाग, नई दिल्ली—11।
6. श्री नानू भाई, एन० पटेल, संसद सदस्य, लोक सभा, 176, नोर्थ एवेन्यू, नई दिल्ली—1।
7. श्री मलजी भाई रावजी भाई परमार, संसद सदस्य, लोक सभा, 88, नोर्थ एवेन्यू, नई दिल्ली।
8. श्री दिग्विजय नारायण सिंह, संसद सदस्य, लोक सभा, 12, डा० राजेन्द्र प्रसाद रोड, नई दिल्ली।
9. श्री सी० डी० पांडे, संसद सदस्य, लोक सभा, 10, डा० राजेन्द्र प्रसाद रोड, नई दिल्ली—1।
10. श्रीमती पुष्पावती मेहता, संसद सदस्य, राज्य सभा, 105, नोर्थ एवेन्यू, नई दिल्ली—1।
11. श्री एस० एम० सोलंकी, संसद सदस्य, लोक सभा, 110, नोर्थ एवेन्यू, नई दिल्ली—1।

12. श्री मनु भार्द्वाज, संसद सदस्य, लोक सभा 2, फिरोजशाह रोड, नई दिल्ली - 1 ।
 13. श्री एम० ए० अग्रणी, संसद सदस्य, लोक सभा, 128, साउथ एवेन्यू, नई दिल्ली-11-अर्जीदार

बनाम

श्री बी. बी० गिरि, भारत के राष्ट्रपति
 राष्ट्रपति भवन, नई दिल्ली—प्रत्यार्थी

11 मई 1970.

न्यायाधिपति श्री एस० एम० सीकरी
 न्यायाधिपति श्री जे० एम० शौलत
 न्यायाधिपति श्री बी० भार्गव
 न्यायाधिपति श्री जी० के० मिस्तर
 न्यायाधिपति श्री सी० ए० वीथलिंगम

की उपस्थिति में

अर्जीदारों की ओर से :— अधिवक्ता सर्वश्री के० प्रो० शर्मा, के० एच० राठी, सी० एल० लखनपाल,
 एस० के० ढिंगरा और एम० एस० गुप्त

प्रत्यार्थी की ओर से :— वरिष्ठ अधिवक्ता सर्वश्री सी० के० दस्तरी, डी० नरसा राजू, एस० टी०
 देसाई और मोहन कुमार मंगलम (उनके साथ अधिवक्ता सर्वश्री एच०
 के० एल० भगत, एस० के० डोलकिया, जे० बी० दाराचान जो रविन्द्र
 नारायण और ओ० सी० माथुर)

भारत के महान्यायवादी निर्वा- भारत के महा सोलिसीटर जनरल जगदीश स्वयं, वरिष्ठ अधिवक्ता एल०
 चन आयोग और रिटिंग एम० तिव्रजी (उनके साथ अधिवक्ता आर० एच० डेवर और एस०
 आफिसर राष्ट्रपतीय निर्वा- पी० नायर)

चन की ओर से :—

1969 की संख्या 1, 3 और 5 की निर्वाचन अर्जियों के साथ उपर्युक्त अर्जी 12 से 16, 19 से
 23 और 30 जनवरी, 1970 ; 23 से 27 फरवरी, 1970 ; 2 से 6, 11 से 13, 16 से 18,
 30 और 31 मार्च, 1970 ; 1 से 3, 6 से 10 13 और 14, 16, 17, 20 से 24, 27 से 30 अप्रैल
 1970, 1 और 4 से 8 मई 1970 को इस न्यायालय, के समक्ष सुनवाई के लिए पेश किये जाने पर,
 पक्षकारों के काउंसेल और महान्यायवादी, निर्वाचन आयोग और रिटिंग आफिसर के काउंसेल को
 सुनने के पश्चात् न्यायालय ने अपने निर्णय पर विचार करने के लिए कुछ समय लिया और अर्जी
 के 11 मई 1970 को आदेश के लिए पेश होने पर यह न्यायालय यह बताते हुए कि
 कारणों की घोषणा बाद में की जाएगी, आदेश देता है, : (1) कि उपर्युक्त अर्जी खारिज हो
 और एतद्वारा खारिज की जाती है ; (2) कि इस अर्जी के खर्च को बाबत कोई आदेश नहीं होगा ।

आज 11 मई, 1970 को उच्चतम न्यायालय, नई दिल्ली में भारत के मुख्य न्यायमूर्ति श्री
 मुहम्मद हिदायतुल्लाह इसके साक्षी हैं ।

हस्ताक्षर,
 एस० एम० सक्सेना,
 उप-रजिस्ट्रार ।

S.O. 2078.—In pursuance of section 20 of the President and Vice-Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 11th May, 1970 by the Supreme Court of India, in Election Petition No. 5 of 1969.

“IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

ELECTION PETITION NO. 5 OF 1969

(Under Part III of the Presidential and Vice-Presidential Election Act, 1952)

1. Shri Abdul Ghani Dar, Member, Parliament, Lok Sabha, 12-D, Ferozeshah Road, New Delhi.
2. Shri Dahyabhai V. Patel, Member Parliament, Rajya Sabha, 18, Dr. Rajendra Prasad Road, New Delhi.
3. Shri Arjun Singh Badoria, Member Parliament, 216, North Avenue, New Delhi.
4. Shri Yashwant Singh Kushwah, Member Parliament, 103, South Avenue, New Delhi.
5. Shri Jamardhan Shinkre, Member Parliament, 118, South Avenue, New Delhi.
6. Shri J. M. Imam, Member Parliament, Lok Sabha, 31, Canning Lane, New Delhi.
7. Shri K. M. Kaushik, Member Parliament, Lok Sabha, 68, South Avenue, New Delhi.
8. Shri P. N. Solankhi, Member Parliament, Lok Sabha, 204, North Avenue, New Delhi-1.
9. Shri Mahendra Meghi, Member Parliament, Lok Sabha, 60, South Avenue New Delhi.
10. Mr. G. L. Gowd, Member Parliament, Lok Sabha, 86, South Avenue, New Delhi.
11. Shri Abdul Razak, Member Legislative Assembly, Haryana, Chandigarh.
12. Shri Brij Lal Verma, Member Legislative Assembly, Madhya Pradesh, Bhopal.
13. Shri R. C. Pandey, Member Legislative Assembly, Madhya Pradesh, Bhopal.
14. Shri Wash Lal Arjun, Member Legislative Assembly, Madhya Pradesh, Bhopal.
15. Shri Jagmohan Singh, Member Legislative Assembly, Madhya Pradesh, Bhopal.
16. Shri Jagdish Prashad Verma, Member Legislative Assembly, Madhya Pradesh, Bhopal.
17. Shri Kapil Deo Narain Singh, Member Legislative Assembly, Bihar, Patna.
18. Shri Yudanandan Singh, Member Legislative Assembly, Bihar, Patna.

—Petitioners.

Versus

Shri V. V. Giri, The President of India, Rashtrapati Bhawan, New Delhi—
Respondent.

11th May, 1970

CORAM :

Hon'ble Mr. Justice S. M. Sikri.
Hon'ble Mr. Justice J. M. Shelat.
Hon'ble Mr. Justice V. Bhargava.
Hon'ble Mr. Justice G. K. Mitter.
Hon'ble Mr. Justice G. A. Vaidiallingam.

For the Respondent—M/s. C. K. Daphtary, D. Narasaraaju, S. T. Desai and Mohan Kumaramangalam, Senior Advocates (M/s. H. K. L. Bhagat, S. K. Dholakia, J. B. Dadachanji Ravinder Narain, and O. C. Mathur, Advocates with them).

For the Attorney General for India, Election Commission of India and Returning Officer, Presidential Election—Mr. Jagdish Swarup, Solicitor General Dr. L. M. Singhvi, Senior Advocate (M/s. R. H. Dhebar and S. P. Nayar, Advocates, with them).

THE PETITION above-mentioned along with Election Petition Nos. 1, 3 and 4 of 1969 being called on for hearing before this Court on the 12th to 16th, 19th to 23rd and 30th days of January 1970, the 23rd to 27th days of February, 1970, the 2nd to 6th, 11th to 13th, 16th to 18th, 30th and 31st days of March, 1970 the 1st to 3rd, 6th to 10th, 13th, 14th, 16th, 17th, 20th to 24th, 27th to 30th days of April 1970 the 1st, and 4th to 8th days of May 1970 UPON hearing Counsel for the Parties Counsel for the Attorney General for India, Election Commission and the Returning Officer, the Court took time to consider its Judgment and the Petition being called on for orders on the 11th day of May 1970 THIS COURT while observing that the reasons will be announced later on DOTH ORDER (1) THAT the Petition above-mentioned be and is hereby dismissed (2) THAT there shall be no order as to costs of this Petition.

WITNESS the Hon'ble Mr. Mohammad Hidayatullah, Chief Justice of India at the Supreme Court, New Delhi dated this the 11th day of May, 1970.

(Sd.) M. P. SAXENA,
Deputy Registrar."

[No. 10(6)/70-Leg-II.]

A. S. LOKANATHAN,
Officer on Special Duty.

क्रा० आ० 2078.—राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम, 1952 (1952 का 31) की धारा 20 के अनुसरण में, केन्द्रीय सरकार, 1969 की निर्वाचन अर्जी संख्या 5 में भारत के उच्चतम न्यायालय द्वारा 11 मई, 1970 को दिया गया आदेश एतद्वारा प्रकाशित करती है।

“भारत के उच्च न्यायालय में

मूल अधिकांशित

1969 की निर्वाचन अर्जी संख्या 5

(राष्ट्रपतीय और उपराष्ट्रपतीय निर्वाचन अधिनियम, 1952 के भाग 3 के अधीन)

1. श्री अन्वुल गनी डार, संसद् सदस्य, लोक सभा, 12 बी, फिरोजशाह रोड, नई दिल्ली।
2. श्री बहायभाई बी० पटेल, संसद् सदस्य, राज्य सभा, 18, डा० राजेन्द्र प्रसाद रोड, नई दिल्ली।
3. श्री अर्जुनसिंह बड़ोरिया, संसद् सदस्य, 216, नौरथ एवेन्यू, नई दिल्ली।
4. श्री यशवन्त सिंह कुशवाह, संसद् सदस्य, 108 साउथ एवेन्यू, नई दिल्ली।
5. श्री जनार्दन शिकरे, संसद् सदस्य, 118, साउथ एवेन्यू, नई दिल्ली।
6. श्री जे० एम० इमाम, संसद् सदस्य, लोक सभा, 31, केनिंग लेन, नई दिल्ली।
7. श्री के० एम० कौशिक, संसद् सदस्य, लोक सभा, 68, साउथ एवेन्यू, नई दिल्ली।
8. श्री पी० एन० सोलंकी, संसद् सदस्य, लोक सभा, 1204, नौरथ एवेन्यू, नई दिल्ली।
9. श्री महेन्द्र माप्ती, संसद् सदस्य, लोक सभा, 60, साउथ एवेन्यू, नई दिल्ली।

10. श्री जी० एल० गौड़, तत्सद सदस्य, लोक सभा, 86, साउथ, एवेन्स्यू, नई दिल्ली ।
11. श्री अब्दुल रजाक, सदस्य, विधान सभा, हरियाणा, चंडीगढ़ ।
12. श्री बृजलाल वर्मा, सदस्य, विधान सभा, मध्य प्रदेश, भोपाल ।
13. श्री आर० सी० पांडे, सदस्य, विधान सभा, मध्य प्रदेश, भोपाल ।
15. श्री वासु लाल अर्जुन, सदस्य, विधान सभा, मध्य प्रदेश, भोपाल ।
15. श्री जगमोहन सिंह, सदस्य, विधान सभा, मध्य प्रदेश, भोपाल ।
16. श्री जगदीश प्रसाद वर्मा, सदस्य, विधान सभा, मध्य प्रदेश, भोपाल ।
17. श्री कपिल देव नारायण सिंह, सदस्य, विधान सभा, बिहार, पटना ।
18. श्री युदा नन्दन सिंह, सदस्य, विधान सभा, बिहार, पटना—अर्जीधार ।

बनाम

श्री वी० बी० गिरि,

भारत के राष्ट्रपति, राष्ट्रपति भवन, नई दिल्ली—प्रत्यर्थी ।

11 मई, 1970

न्यायाधिपति श्री एस० एम० सीकरी

न्यायाधिपति श्री जे० एम० शैलत

न्यायाधिपति श्री वी० भार्गव

न्यायाधिपति श्री बी० के० मित्र

न्यायाधिपति श्री सी० ए० वैद्यलिंगम्

की उपस्थिति में

अर्जीदारों की ओर से	अधिवक्ता सर्व श्री एस० सी० मलिक, एम० एस० गुप्त और के० एल० राठी ।
प्रत्यर्थी की ओर से	वरिष्ठ अधिवक्ता सर्व श्री सी० के० दफ्तरी, डी० नरसाराजू, एस० टी० देसाई, और मोहन कुमार मंगलम् (उनके साथ अधिवक्ता सर्व श्री एच० के० एल० भगत, एस० के० डोलकिया, जी० बी० दादा चान जी, रविन्द्र नारायण और ओ० सी० माथुर ।
भारत के महा न्यायवादी	महा सोलिसीटर श्री जगदीशस्वरु प, वरिष्ठ-
भारत के निर्वाचन आयोग, और रिटनिंग आफिसर, राष्ट्रपति निर्वाचन की ओर से	अधिवक्ता डा० एल० एम० सिधवी (उनके साथ अधिवक्ता सर्व श्री आर० एच० डेबर और एस० पी० नायर) ।

1969 की संख्या 1, 3 और 4 की निर्वाचन अर्जियों के साथ उपर्युक्त अर्जी 12 से 16, 19 से 23 और 30 जनवरी, 1970 ; 23 से 27 फरवरी, 1970; 2 से 6, 11 से 13, 16 से 18,

30 और 31 मार्च, 1970'; 1 से 3, 6 से 10, 13, 14, 16, 17, 20 से 24, 27 से 30 अप्रैल, 1970; 1, और 4 से 8 मई, 1970 को इस न्यायालय के समक्ष पेश किए जाने पर, पदकारों के काउंसिल, भारत के महा न्यायावादी, निर्वाचन आयोग और स्टिनिंग आफिसर के काउंसिल को सुनने के पश्चात् इस न्यायालय ने अपने निर्णय पर विचार करने के लिए कुछ समय लिया और अर्जी के 11 मई, 1970 को पेश होने पर यह न्यायालय यह बताते हुए कि कारणों की घोषणा बाद में की जाएगी आदेश देता है, (1) कि उपर्युक्त अर्जी खारिज हो और एतद्वारा खारिज की जाती है; (2) कि इस अर्जी के खर्चों की बाबत कोई आदेश नहीं होगा।

आज 11 मई, 1970 को उच्चतम न्यायालय, नई दिल्ली में भारत के मुख्य न्यायमूर्ति श्री मुहम्मद हिदायतुल्लाह इसके साक्षी हैं।

(ह०) एम० पी० सक्सेना
उपरजिस्ट्रार।”

[सं० 10(6)/70—विधायी II]

ए० एस० लोकानाथन,
विशेष कार्याधिकारी।

ELECTION COMMISSION OF INDIA

New Delhi, the 2nd June 1970

S.O. 2079.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission in consultation with the Government of Kerala, hereby nominates Shri S. Narayana-swamy, Home Secretary to the Government of Kerala, as the Chief Electoral Officer for the State of Kerala with effect from the date he takes over charge and until further orders vice Shri S. Naganathan.

[No. 154/5/70.]

भारत निर्वाचन आयोग

नई दिल्ली, 2 जून, 1970

एस० नो० 2079.—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13-क को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये निर्वाचन आयोग, केरल सरकार के परामर्श से, श्री एस० नारायणस्वामी को उनके कार्य भार सम्भालने के स्थान पर केरल सरकार के गृह सचिव, श्री एस० नारायणस्वामी को उनके कार्य भार सम्भालने की तारीख से केरल राज्य के लिए मुख्य निर्वाचन आफिसर के रूप में एतद्वारा नामनिर्देशित करता है।

[सं० 154/5/70]

ORDERS

New Delhi, the 7th May 1970

S.O. 2080.—Whereas the Election Commission is satisfied that Shri Samra Kol, R/O village Asanbani, P. O. Guhiyajori, District Santhal Parganas (Bihar), a contesting candidate for mid-term election to the Bihar Legislative Assembly held in February, 1969 from Godda Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Samra Kol, to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/155/69(89).]

आदेश

नई दिल्ली, 7 मई, 1970

एस० प्रो० 2080.—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 155, गोड्डा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री समरा कोल निवासी ग्राम असनबनी, पो० गृहियाजोरी, जिला संताल परगना (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री समरा कोल को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[स० बिहार-वि० सं०/155/69(89)]

New Delhi, the 14th May 1970

S.O. 2081.—Whereas the Election Commission is satisfied that Shri Ram Prabesh Pandey, R/O Bhulanbarari Colliery, P.O. Pathardih, District Dhanbad (Bihar), a contesting candidate for the mid-term election to the Bihar Legislative Assembly held in 1969 from 280-Sindri Assembly Constituency, has failed to lodge an account of his election expenses within the time as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Prabesh Pandey to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/280/69(80).]

By Order,

ROSHAN LAL, Secy.

नई दिल्ली, 14 मई, 1970

एस० प्रो० 2081.—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार-विधान सभा के लिए 1969 में हुए मध्यावधि निर्वाचन के लिए 280, सिन्दरी निर्वाचन क्षेत्र से चुनाव

लड़ने वाली उम्मीदवार श्री राम प्रवेश पाण्डेय, निवासी भुनन बरारी कोलियरी, पो०—पाथरडीह, जिला धनबाद (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री राम प्रवेश पाण्डेय को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधानसभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष के को कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/280/69(90).]

आदेश से,

रोशन लाल, सचिव ।

ORDERS

New Delhi, the 13th May 1970

S.O. 2082.—Whereas the Election Commission is satisfied that Shri Sukhdev Ram, S/o Shri Mehtab Ram, R/o village and post Office Bhare, Tehsil Una, District Kangra, Himachal Pradesh a contesting candidate for election to the Himachal Pradesh Legislative Assembly from 28-Amb Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sukhdev Ram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HP-LA/28/67(1).]

नई दिल्ली—13 मई 1970

एस० नॉ० 2082.—यतः निर्वाचन आयोग का समाधान हो गया है कि हिमाचल प्रदेश विधान सभा के लिए निर्वाचन के लिए 28-अम्ब सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सुखदेव राम मुपुत्र श्री महताब राम निवासी गांव तथा डा० भेरा, तहसील उना, जिला कांगड़ा, हिमाचल प्रदेश । लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रह है ;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री मुखदेव राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं०-हि० प्र०-वि० सं०/28/67(1)]

S.O. 2083.—Whereas the Election Commission is satisfied that Shri Bharat Prasad, S/o Shri Chandra Shekhar, 14/6, Benajhabar Labour Colony, Kanpur, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 295-Kanpur Cantonment Assembly Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not rectified the defects in his account of election expenses and has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bharat Prasad, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/295/69(34).]

एस०ओ० 2083.—यतः, निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 295 कानपुर कैंटनमेंट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भारत प्रसाद सुपुत्र श्री चन्द्रशेखर, 14/6 बेनाजहार, लेबरकालोनी, कानपुर उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने उसे सम्यक् सूचना दिए जाने पर भी अपने निर्वाचन व्ययों के लेखों की त्रुटियों का परिशोधन नहीं किया है और उसने अपनी इस असफलता के लिए कोई कारण या स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उस के पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री भारत प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ० प्र०-वि० सं०/295/69(34)]

New Delhi, the 14th May 1970

S.O. 2084.—Whereas the Election Commission is satisfied that Shri Babu Ram, S/o Shri Chotey Lal, Nagla Daduan, H/o Village Phulanpur, Post Office Bahadurpur Majhgawan, District Farrukhabad (Uttar Pradesh) a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 314-Umarda Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Babu Ram to be disqualified for being

chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/314/69(35).]

नई दिल्ली, 14 मई, 1970

एत० ओ० 2084—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 345 उमर्धा सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बाबू राम सुपुत्र श्री छोटे लाल नगला दड़ुआ मजरा मौजा फूलनपुर, डा० मेसगावा जिला फर्रुखाबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बाबराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० ७० प्र०-वि०स०/314/69(35)]

S.O. 2085.—Whereas the Election Commission is satisfied that Shri Bateshwar, S/o Shri Mathuri, Village Bhulbhuliapur, H/o Village Mahsajan, Post Office Thathia, District Farrukhabad (Uttar Pradesh) a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 314-Umarda Assembly Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bateshwar, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/314/69(36).]

एस० ओ० 2085.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 314-उमर्धा सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बटेश्वर सुपुत्र श्री माथुरी, गांव भुलभुलियापुर, मजरा मौजा महसैया, डा० ठिया, जिला फर्रुखाबाद (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बटेश्वर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ०प्र०-वि० सं० /314/69(36).]

S.O. 2086.—Whereas the Election Commission is satisfied that Shri Kirpal Singh, Village Bhangwan, Post Office Dalepur, District Gurdaspur, a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from 34-Dhariwal Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kirpal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/34/69(20)]

एस० श्री० 2086.—यतः, निर्वाचन आयोग का समाधान हो गया है कि पंजाब विधान सभा के लिए 1969 में हुए मध्यावधि साधारण निर्वाचन के लिए 34-धारीवाल निर्वाचन क्षेत्र से चुनाव लड़ने वाले, उम्मीदवार श्री कृपाल सिंह, ग्राम भगवान, डा० दलेलपुर, जिला गुरदासपुर, लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कृपाल सिंह को संसद के दोनों सदन में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-वि० सं० /34/69(20)]

S.O. 2087.—Whereas the Election Commission is satisfied that Shri Babu Lal S/o Shri Lohrey, R/o Village and Post Office Jharota, Tahsil Sadabad, District Muthura, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 369-Gokul Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Babu Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/369/69(39).]

एस० नो० 2087—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 369-गोकुल सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बाबू लाल मुपुत्र श्री लोहरी, निवासी गांव तथा डा० झरैडा, तहसील सादाबाद, जिला मथुरा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा, दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री बाबू लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ० प्र०-वि० सं०/369/69(39).]

S.O. 2088.—Whereas the Election Commission is satisfied that Shri Bhunda Singh S/o Shri Behari, R/o Village Baldev, Tahsil Sadabad, District Mathura, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 369-Gokul Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason for justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhunda Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/369/69(40).]

एस० नो० 2088 :—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधानसभा के लिए निर्वाचन के लिए 369-गोकुल सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भुन्डा सिंह मुपुत्र श्री बिहारी, निवासी गांव बलदेव, तहसील सादाबाद, जिला मथुरा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री भुन्डा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से, तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ० प्र०-वि० सं०/369/69(40)]

S.O. 2089.—Whereas the Election Commission is satisfied that Shri Ganpati Singh, S/o Shri Kanha Singh, R/o Village and Post Office Sihora, Tahsil Mat, District Mathura, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 369-Gokul Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ganpati Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/369/69(41).]

ए०प्र० 2989:—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 369-गोकुल सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गनपति सिंह सुपुत्र श्री कान्हा सिंह, निवासी गांव तथा डा० सिहोरा, तहसील मांट, जिला मथुरा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गनपति को मंसद के किसी भी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, स आदेश को तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० ७०प्र०-वि०स०/369/69(41).]

S.O. 2090.—Whereas the Election Commission is satisfied that Shri Balbir Singh, S/o Shri Jaswani Singh R/o Village Tehra, Post Office Sonal, Tehsil Mat, District Mathura, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 369-Gokul Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Balbir Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/369/69(42).]

एम०प्र०. 2090 :—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 369-गोकुल सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बलबीर सिंह सुपुत्र श्री जसवानी सिंह, निवासी गांव तेहरा, डा० सोनई, तहसील मांट, जिला मथुरा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बलवीर सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ०प्र०-वि०स०/369/69/(42).]

New Delhi, the 26th May 1970

S.O. 2091.—Whereas the Election Commission is satisfied that Shri K. S. Shanmuga Cavoundar, Sellipet, Sorapet (P.O.) Mannadipeth Commune, Pondicherry, a contesting candidate for the mid-term election held in March, 1969 to the Pondicherry Legislative Assembly from Mannadipeth Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representations made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. S. Shanmuga Cavoundar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PD-LA/14/69.]

By Order,

A. N. SEN, Secy.

नई दिल्ली, 26 मई, 1970

एस० ओ० 2091—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1969 में हुए पांडिचेरी विधान सभा के मध्यावधि निर्वाचन के लिए मन्नादीपेठ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० एस० शनमुगा कावउंडर, सेल्लीपेट, सोरापेट (पो० ओ०) मन्नादीपेठ कम्यून, पांडिचेरी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदनों पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० एस० शनमुगा कावउंडर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पाण्डि०-वि०स०/14/69.]

आदेश से,

ए० एन० सेन, सचिव ।

ORDERS

New Delhi, the 14th May 1970

S.O. 2092.—Whereas the Election Commission is satisfied that Shri Chunnu Lal S/o Shri Bala Prasad, Mohalla Mochiyana, Kilashpuri, Banda, District Banda (Uttar Pradesh), a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 324-Banda Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chunnu Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/324/69(37).]

आदेश

नई दिल्ली, 14 मई, 1970

एस० प्रो० 2092.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर-प्रदेश विधान सभा के लिए निर्वाचन के लिए 324 बांदा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चुन्नु लाल सुपुत्र श्री बाला प्रसाद, मु० मोचियाना कैलाशपुरी, जिला बांदा (उत्तर प्रदेश) लोक प्रतिनिधि अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उस के पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री चुन्नु लाल को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ०प्र० वि० सं०/324/69(37).]

S.O. 2093.—Whereas the Election Commission is satisfied that Shri Ali Mehdi, S/o Shri Mukhtar Mehdi, Purbil Kothi Banda, District Banda (Uttar Pradesh) a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 324-Banda Assembly Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ali Mehdi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/324/69(38).]

By Order,

K. S. RAJAGOPALAN, Secy.

एस० ओ० 2093.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 324 बांदा सभा निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री श्री मेहदी सुपुत्र श्री मुखतार मेहदी, पूर्वी कोठी बांदा जिला बादा (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे समयक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उस के पास इस असफलता के लिए कोई पर्याप्त कारण या न्योन्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम, की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री श्री अहमद मेहदी को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[सं० उ० प्र०-वि० सं० /324/69(38).]

आदेश से,

के० एस० राजगोपालन, सचिव ।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 2nd June 1970

S.O. 2094.—In exercise of the powers conferred by section 3 of the Emigration Act 1922 (VII of 1922), the Central Government hereby appoints Shri P. N. Nair, Protector of Emigrants, Mandapam Camp & Tuticorin, to be Protector of Emigrants, Nagapattinam, in addition to his own duties with effect from the forenoon of 11th May 1970 during the absence of Shri R. Muthuswamy on leave.

[No. C.P.E.O./4/70.]

M. L. KHOSLA, Attache (PVA).

विदेश मंत्रालय

नई दिल्ली, 2 जून, 1970

एस० ओ० 2094.—उत्प्रवास अधिनियम 1922 (1922 का सातवां) के खंड 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा मंडपम् कैम्प तथा तुतीकोरन के उत्प्रवास संरक्षक श्री पी० एन० नायर को श्री आर० मुट्टूस्वामी की जगह, जो छुट्टी पर हैं, 11 मई, 1970 के पूर्वान्ह से, अपने कार्य के अतिरिक्त नागपट्टनम् का भी उत्प्रवास संरक्षक नियुक्त करते हैं ।

[सं० सी० पी० ई० ओ०/4/70.]

एम० एल० खोसला, सहचारी (पी वी ए)

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 3rd June 1970

S.O. 2095.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Gauhati Bank Ltd., Gauhati in respect of the under noted properties held by it, till the 31st March, 1971.

1. 4B-OK-8L of land; Patta No. 40, Vill. Barpanara, Karara.
2. 4B-4K-11L of land; Patta Nos. 8, 77, 79, 82 and 88, Mauza-Khata.
3. 6B-4K-4L of land; Patta Nos. 260(216) and 13, Mauzasila-sundarighopa and Beltola.
4. 2B of land; Patta No. 88, Mauza-Bahjani.
5. 4B-17L of land; Patta No. 2, Barpeta Town.

[No. F. 15(13)-BC/70.]

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 3 जून, 1970

एस० ओ० 2095:—बैंकिंग विनियमन अधिनियम, 1949 (1949 का दसवां) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद् द्वारा घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध गोहाटी बैंक लिमिटेड, गोहाटी पर, निम्नलिखित सम्पत्तियों के संबंध में, में, जो उस के अधिकार में हैं, 31 मार्च, 1971 तक लागू नहीं होंगे :—

1. भूमि-4ख-1-0ट-0; पट्टा सं० 40, ग्राम बाड़पनारा, करारा ।
2. भूमि-4ख-4ट-11-0; पट्टा सं० 8, 77, 79, 82 तथा 88, मौजा खाटा ।
3. भूमि-6ख-4ट-4-0 पट्टा सं० 260(216) तथा 13 मौजासिला-सुन्दरी घोपा तथा बेलटोला
4. भूमि-2ख, पट्टा सं० 88, मौजा-बहजनी ।
5. भूमि-4ख-17-0-मु पट्टा सं० 2 बड़पेटा नगर ।

[संख्या एफ० 15 (13) -बी० सी०/70]

S.O. 2096.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply, till the 31st March, 1971, to the National and Grindlays Bank Ltd., Calcutta, in respect of the shares held by it as pledge of the undernoted companies as shown against their names.

Name of the company	Date of lodgement	Paid-up value of shares held
(In lakhs of rupees)		
1. Jay Kay Automobiles Private Ltd.	24-11-1966	1.65
	3-2-1967	0.25
2. Globe Management Private Ltd.	24-11-1966	3.06
	3-2-1967	0.05
3. Globe United Engg. & Foundry Co. Ltd. []	20-11-1967	8.80
	16-2-1968	8.81
	16-3-1968	0.05

[No. F. 15(14)-BC/70.]

L. S. P. SARATHY, Under Secy.

एस० नो० 2096:—बैंकिंग विनियमन अधिनियम, 1949 (1949 का दसवां) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिशों पर, एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 19 की उपधारा (3) के उपबन्ध, नैशनल एंड प्रिडलेंज बैंक लिमिटेड, कलकत्ता पर, उन शेषों के सम्बन्ध में, जो अधोलिखित कम्पनियों के नामों के सामने दिये गये अनुसार, बैंक के पास बन्धकग्राही के रूप में हैं, 31 मार्च, 1971 तक लागू नहीं होंगे।

कम्पनी का नाम	रखने की तारीख	शेषों का चुकता मूल्य
		(लाख रुपयों में)
1. जे० के० आटोमोबाइल्स प्राइवेट लि०	24-11-1966	1.65
	3-2-1967	0.25
2. ग्लोब मैनेजमेंट प्राइवेट लिमिटेड	24-11-1966	3.06
	3-2-1967	0.05
3. ग्लोब यूनाइटेड इंजीनियरिंग एवं फाउण्ड्री कम्पनी लिमिटेड	20-11-1967	8.80
	16-2-1968	8.81
	16-3-1962	0.05

[संख्या एफ० 15 (14)-बी०सी०/70]

एल० एस० गार्थसारथी, प्रभु सचिव।

(बैंकिंग विभाग)

[नई दिल्ली, 17 अप्रैल 1970]

एस० नो० 1538:—कृषि पुनर्वित्त निगम अधिनियम, 1963 (1963 के 10 वें) की धारा 10 के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा कृषि, सामुदायिक विकास और सहकारिता विभाग के सचिव श्री टी० पी० सिंह, आई० सी० एस०, को श्री बी० आर० पटेल के स्थान पर कृषि पुनर्वित्त निगम का निदेशक नियुक्त करती है।

[संख्या एफ० 14/21/70-एस० बी०]

के० रामूति, संयुक्त सचिव।

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 13th June 1970

S.O. 2097.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds to the value of sixty-seven lakhs of rupees, to be issued by the Uttar Pradesh Financial Corporation are chargeable under the said Act.

[No 5/70-Stamps/F. No. 1/6/70-Cus. VII]

(राजस्व और बीमा विभाग)

स्टाम्प

नई दिल्ली, 13 जून, 1970

एस० नो० 2097.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क से छूट देती है जिससे उत्तर प्रदेश वित्तीय निगम द्वारा पुरोधृत किए जाने वाले सड़सठ लाख रुपये के मूल्य के बन्धपत्र, उक्त अधिनियम के अधीन प्रभाय हैं।

[सं० 5/70 स्टाम्प फा० सं० 1/6/70 सीमाशुल्क VII]

S.O. 2098.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures in the form of stock certificates and promissory notes to the value of two hundred and twenty lakhs of rupees, to be issued by the Tamil Nadu State Housing Board, are chargeable under the said Act.

[No. 6/70-Stamp/F. No. 1/10/70-Cus. VII]

P. K. KAPOOR, Under Secy.

एस० नो० 2098.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क से जिसके द्वारा तामिलनाडू राज्य आवासन बोर्ड द्वारा जारी किए जाने वाले दो सौ बीस लाख रुपये मूल्य के स्टॉक प्रमाणपत्रों और वचनपत्रों के रूप में डिबेन्चर, उक्त अधिनियम के अधीन प्रभाय है, छूट देती है।

[सं० 6/70-स्टाम्प फा० सं० 1/10/70-सीमाशुल्क VII]

पी० के० कपूर, अवर सचिव।

(व्यय विभाग)

नई दिल्ली, 12 मार्च, 1970

फा० नो० 1705.—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 34 के साथ पठित नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति भारत सरकार के वित्त मंत्रालय (व्यय विभाग) की अधिसूचना सं० का० नि० आ० 639 तारीख 28 फरवरी, 1967 में एतद्वारा और आगे निम्नलिखित संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में—

(1) भाग 1—साधारण केन्द्रीय सेवा, वर्ग 2, में “भारत के नियंत्रक और महालेखा-परीक्षक का कार्यालय” शीर्षक के नीचे, स्तम्भ 1 में “नियंत्रक और महालेखा-परीक्षक का सहायक निजी सचिव” शब्दों के पश्चात् निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात्:—

“उपनियंत्रक और महालेखा-परीक्षक का निजी सचिव, अपरउप-नियंत्रक और महालेखा-परीक्षक का ज्येष्ठ वैयक्तिक सहायक” ;

(2) भाग 2—साधारण केन्द्रीय सेवा, वर्ग 3, में “भारत के नियंत्रक और सहायक-परीक्षक का कार्यालय” शीर्षक के नीचे, स्तम्भ 1 में “अधीनस्थ लेखा सेवा (अर्थात् अधीक्षक और सहायक अधीक्षक)” प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:—

“अधीनस्थ लेखा सेवा (अर्थात् अधीक्षक, सहायक अधीक्षक और निरीक्षण लेखापाल)”

[सं० फा० 1(15)—ई जी 1/70]

कुलदेव नारायण सिंह, निदेशक।

POONA CENTRAL EXCISE COLLECTORATE

CORRIGENDUM

Poona, the 14th May 1970

S.O. 2099.—In the Notification No. G.S.R. 6/70 dated the 29th April, 1970 issued by the Collector of Central Excise, Poona, the following corrections shall be made:—

- (i) In the second paragraph, for the words “Such manufacturers shall show”, the following words shall be substituted—“Such manufacturers shall further show”.
- (ii) In the third paragraph, in sub-para (i), in the fourth line thereto, the full-stop after the word “pass” shall be deleted.
- (iii) For “G.S.R. 6/70” read “C.E.R. 6/70”.

[No. F. V. 15(8)1/Tech. B/70.]

D. N. LAL, Collector.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 29th May 1970

S.O. 2100/IDRA/6/5.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Councils (Procedure) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), in place of members appointed under the Government of India, Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Order No. S.O. 1631/IDRA/6/5, dated 30th April, 1968, as amended from time to time, whose tenure of office has expired by the passing of time or otherwise:

Development Council for Heavy Electrical Industries

Chairman

1. Shri S. Swayambu, Chairman, Heavy Electricals (I) Ltd., Bhopal.

Members

2. Shri B. N. Baliga, Chief (Power), Planning Commission, Yojna Bhavan, New Delhi.
3. Shri M. S. Chellappa, General Manager, M/s. Kerala Electrical and Allied Engineering Co. Ltd., P.O. Mamala—Cochin, (Kerala State).
4. Shri D. D. Desai, Chairman, Power Cables Ltd., 24, Brelvi Sayed Abdulla Road, Bombay-1.

5. Shri J. Desai, Managing Director, M/s. Kelvinators of India Ltd., 28, New Industrial Town, Faridabad.
6. Shri P. R. Deshpande, Managing Director, M/s. Crompton Greaves Ltd., 1, Forbes Street, Bombay.
7. Shri D. P. Ganguli, Director, Power Research Institute, P.B. No. 1042, Bangalore-12.
8. Shri T. R. Gupta, M/s. Electrical Industries Corporation, 49/1, Gariahat Road, Calcutta-19.
9. Dr. A. K. Ghosh, Vice-Chairman, Central Water and Power Commission, New Delhi.

Members

10. Shri Hari Bhushan, Senior Industrial Adviser, Ministry of Steel and Heavy Engineering, (Department of Steel), New Delhi.
11. Shri Ravi L. Kirloskar, M/s. Kirloskar Electric Co. Ltd., Malleswaram, Bangalore-3.
12. Shri M. Sachidananda Moorthi, Managing Director, M/s. NGEF Ltd., Bangalore.
13. Shri O. S. Murthy, Chairman, Bharat Heavy Electricals Ltd., 5, Parliament Street, New Delhi.
14. Shri K. C. Maitra, M/s. Guest Keen Williams Ltd., (Sankey Division), Wakefield House, Eprot Road, Ballard Estate, Bombay.
15. Shri S. Peer Mohammed, M/s. Aluminium Industries Ltd., Kundara (Kerala).
16. Col. V. P. S. Menon, Industrial Adviser (Engg.), D. G. T. D., Udyog Bhavan, New Delhi.
17. Miss M. Seth, Deputy Secretary, Ministry of I. D. I. T. & C. A. (Department of Industrial Development), New Delhi.
18. Shri K. Subramaniam, Chief Engineer, Mysore State Electricity Board, Bangalore.
19. Shri Sohan Singh, Chief Engineer (Planning & Design), Punjab State Electricity Board, The Mall, Patiala (Punjab State).
20. Shri G. K. R. Varma, Chief Engineer, U.P. State Electricity Board, Lucknow.

Members

21. Shri Y. S. Venkataswaran, Director (Electro-Technical), Indian Standards Institute, New Delhi.
22. Shri N. Venkatesan, General Manager, Indian Consortium on Power Projects, Chandralok Building, New Delhi.

Member Secretary

23. Dr. Vakil Ahmed, Development Officer, D. G. T. D., Udyog Bhavan, New Delhi.

[No. EEI-19(5)/70]

M. SETH, Dy. Secy

औद्योगिक विकास, आंतरिक व्यापार तथा समवाय कार्य मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 29 मई, 1970

एल० ओ० 2100 आई डी/आर० ए०/6/5—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए विकास परिषद् (कार्य-विधि) नियम, 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा भारत

सरकार, औद्योगिक विकास तथा समवाय कार्य मंत्रालय (औद्योगिक विकास विभाग) के आदेश संख्या एस० ओ० 1631 आई डी आर ए /6/5 दिनांक 30 अप्रैल, 1968, समकालीन समय पर संशोधित, के अन्तर्गत नियुक्त किए गए सदस्यों के स्थान पर, जिनका समय व्यतीत हो जाने से अथवा अन्यथा कार्यकाल समाप्त हो चुका है, निम्नलिखित सदस्यों को विद्युत् मोटरों एवं विद्युत् उर्जा जनित, पारेषण तथा वितरण हेतु मशीन तथा उपकरण के (घरेलू काम में आने वाले सीटरी और पैनल यंत्रों को छोड़कर) निर्माण या उत्पादन में लगे अनुसूचित उद्योगों की विकास परिषद् का इस आदेश की तिथि से दो वर्ष की अवधि के लिए सदस्य नियुक्त करती है :—

भारी वैद्युत् उद्योगों के लिए विकास परिषद्

अध्यक्ष

1. श्री एस० स्वयंभू, अध्यक्ष, हैवी इलेक्ट्रिकल्स (इंडिया) लि०, भोपाल ।

सदस्य

2. श्री बी० एन० बालिगा, मुख्या (पावर), योजना आयोग, योजना भवन, नई दिल्ली ।
3. श्री एस० एम० चेलप्पा, महाप्रबन्धक, मेसर्स केरल इलेक्ट्रिकल तथा एलीड इंजीनियरिंग कं० लि०, डाकखाना ममला—कोचीन, (केरल राज्य) ।
4. श्री डी० डी० देसाई, अध्यक्ष, पावर केबल्स लि० 24, बेलवी सैयद अब्दुल्ला मार्ग, बंबई-1 ।
5. श्री जे० देसाई, महाप्रबन्धक, मेसर्स केलविनेटर्स आफ इंडिया लि०, 28, न्यू इंडस्ट्रियल टाउन, फरीदाबाद ।
6. श्री पी० आर० देशपाण्डे, महाप्रबन्धक, मेसर्स क्रोम्पटन ग्रीन्ज लि०, 1, फोबस स्ट्रीट बंबई ।
7. श्री डी० पी० गांगोली, निदेशक, पावर रिसर्च इंस्टीट्यूट, पी० बी० नं० 1042, बंगलौर-12 ।
8. श्री टी० आर० गुप्ता, मेसर्स इलेक्ट्रीकल इंडस्ट्रीज कारपोरेशन, 49/1, गरियहाट रोड, कलकत्ता-19 ।
9. डा० ए० के० घोष, उपाध्यक्ष, केन्द्रीय जल तथा शक्ति आयोग, नई दिल्ली ।
10. श्री हरि भूषण, वरिष्ठ औद्योगिक सलाहकार, इस्पात तथा भारी इंजीनियरी मंत्रालय, (इस्पात विभाग) नई दिल्ली ।
11. श्री रवि एल० किलोस्कर, मेसर्स किलोस्कर इलेक्ट्रिक कंपनी लि०, बलेश्वरम, बंगलौर-3 ।
12. श्री एम० शचिनन्द मूर्ति, महाप्रबन्धक, मेसर्स एन० जी० ई० एफ० लि०, बंगलौर ।
13. श्री ओ० एस० मूर्ती, अध्यक्ष, भारत हैवी इलेक्ट्रिकल्स लि०, 5 पार्लियामेंट स्ट्रीट, नई दिल्ली ।
14. श्री के० सी० मैत्र, मेसर्स गेस्ट कोन विलियम्स लि०, (सेन्के प्रभाग), बैलर्ड एस्टेट, बंबई ।

15. श्री एस० पीर मोहम्मद, मेसर्स एल्यूमिनियम इंडस्ट्रीज लि०, कुन्डारा (केरल),
16. कर्नल बी० पी० एस० मेनन, औद्योगिक सलाहकार, (इंजीनियरी), तकनीकी विकास महानिदेशालय, उद्योग भवन, नई दिल्ली-11।
17. कुमारी एम० सेठ, उपसचिव, औद्योगिक विकास, आंतरिक व्यापार तथा समवाय कार्य मंत्रालय (औद्योगिक विकास विभाग) नई दिल्ली ।
18. श्री के० मुन्नहाय्यम, मुख्य अभियन्ता, मैसूर स्टेट इलेक्ट्रीसिटी बोर्ड, बंगलौर।
19. श्री सोहन सिंह, मुख्य अभियन्ता (योजना तथा प्रारूप रूपांकन) पंजाब स्टेट इलेक्ट्रीसिटी बोर्ड, माल, पटियाला (पंजाब राज्य)।
20. श्री जी० के० आर० वर्मा, मुख्य अभियन्ता, यू० पी० इलेक्ट्रीसिटी बोर्ड, लखनऊ।
21. श्री वार्ड० एस० वैकटेश्वरन, निदेशक (इलेक्ट्रो-तकनीक), इंडियन स्टैंडर्ड्स इन्स्टी-च्यूशन, नई दिल्ली ।
22. श्री एन० वैकटेशन, महा प्रबन्धक, इंडियन कन्सोर्टियम आन पावर प्रोजेक्ट्स, चन्द्र लोक ब्रिडिंग, नई दिल्ली ।

सदस्य सचिव

23. डा० वकील अहमद, विकास अधिकारी, तकनीकी विकास का महानिदेशालय, उद्योग भवन, नई दिल्ली ।

[सं० ई० ई० आई-19(5)/70]

कुमारी एम० सेठ, उप सचिव

MINISTRY OF FOREIGN TRADE

New Delhi, the 4th June 1970

S.O. 2101.—In exercise of the powers conferred by section 3 of the Textiles Committee Act, 1963 (41 of 1963), read with rule 3 of the Textiles Committee Rules, 1965, the Central Government hereby appoints—

(i) Shri K. Sreenivasan, Director, the South India Textile Research Association, Coimbatore-14 as Chairman of the Textiles Committee for a further term of one year from the 7th June, 1970; and

(ii) Shri C. Venkataraman, Deputy Secretary, Ministry of Finance, New Delhi as member of the Textiles Committee with effect from the 20th May, 1970 and makes the following amendment in the late Ministry of Commerce Notification No. S.O. 2788 dated the 19th July, 1968, namely:—

In the said Notification, under heading 'Members' for item 7, the following item shall be substituted, namely:—

"7. Shri C. Venkataraman, Deputy Secretary, Ministry of Finance, New Delhi".

[No. F. 5/13/70/Tex-A]

विदेशी व्यापार मंत्रालय

नई दिल्ली, 4 जून 1970

का० आ० 2101—वस्त्र समिति नियमावली, 1965 के नियम 3 के साथ पठित, वस्त्र समिति अधिनियम, 1963 (1963 का 41) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा ;

(1) दक्षिण भारत वस्त्र अनुसंधान संघ, कोयम्बटूर—14 में, निदेशक, श्री के० श्रीनिवासन, को, 7 जून, 1970 से एक वर्ष की आगामी अवधि के लिये, वस्त्र समिति के अध्यक्ष के पद पर; तथा

(2) वित्त मंत्रालय, नई दिल्ली में, उप-सचिव श्री सी० वेंकटरमन को, 20 मई, 1970 से, वस्त्र समिति के सदस्य के रूप में नियुक्त करती है, तथा भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 2788 दिनांक 19 जुलाई, 1968 में निम्नलिखित संशोधन करती है, अर्थात् उक्त अधिसूचना में "सदस्य" शीर्षक के अन्तर्गत, मद 7 के स्थान पर निम्नलिखित मद प्रतिस्थापित की जायेगी अर्थात् :

"7. श्री सी० वेंकटरमन, उपसचिव,
वित्त मंत्रालय, नई दिल्ली ।"

[सं० 5/13/70-टैक्स-ए.]

New Delhi, the 5th June 1970

S.O. 2102.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Fund Act, 1925 (19 of 1925), the Central Government hereby directs that with effect from the 1st August, 1970, the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Textiles Committee.

[No. F. 27(8) Tex-A/66.]

नई दिल्ली, 5 जून 1970

एस० आर० 2102.—भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि वस्त्र समिति के कर्मचारियों के लाभ के लिए स्थापित भविष्य निधि के सम्बन्ध में उक्त अधिनियम के उपबन्ध, 1 अगस्त, 1970 से लागू होंगे।

[सं० फा० 27(8) टैक्स-ए/66]

S.O. 2103.—Whereas the Cotton Textiles Fund Committee has been replaced by the Textiles Committee;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925) and of all other powers enabling it in this behalf, the Central Government hereby directs that with effect from the 1st August, 1970 for the entry "The Cotton Textiles Fund Committee", inserted in the Schedule to the said Act by the notification of the Government of India in the late Ministry of Commerce and Consumer Industries No. SRO 3153, dated the 24th December, 1956, published at page 2218 of the Gazette of India, Part II—Section 3 dated the 29th December, 1956, the entry "The Textiles Committee" shall be substituted.

[File No. 27(8) Tex-A/66.]

H. K. BANSAL, Dy. Secy.

एस० आर० 2103.—यतः सूती वस्त्र निधि समिति का स्थान वस्त्र समिति ने ले लिया है ;

अतः अब, भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उपधारा (3) द्वारा प्रदत्त शक्तियों तथा इस की ओर से दी गई अन्य शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि भारत के राजपत्र भाग II खंड 3 दिनांक 29 दिसम्बर, 1956 के पृष्ठ 2218 पर प्रकाशित भारत सरकार के भूतपूर्व वाणिज्य तथा उपभोक्ता उद्योग मंत्रालय की अधिसूचना संख्या

एस० आर० ओ० 3153, दिनांक 24 दिसम्बर, 1956 द्वारा उक्त अधिनियम की अनुसूची में विनिष्ट प्रविष्टि "सूती वस्त्र निधि समिति" के स्थान पर 1 अगस्त, 1970 से, "वस्त्र समिति" प्रविष्टि प्रति-स्थापित की जायेगी।

[सं० फा० 27(8)-टैक्स-ए/66.]

एच० के० बन्सल, उप-सचिव।

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 1st June 1970

S.O. 2104.—In pursuance of sub-section (3) of section 4 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with paragraph 44 of the Seamen's Provident Fund Scheme, 1966, and in continuation of the notification of the Government of India, in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 4372, dated the 23rd October, 1969, the Central Government hereby directs that accumulations out of provident fund contributions, interest and other receipts as reduced by obligatory outgoings, shall be invested in accordance with the following pattern, namely:—

For the period from 1st April, 1970, to 31st March, 1971

- | | |
|--|-------------------------------|
| (i) In Central Government securities | Not less than
50 per cent. |
| (ii) In State Government securities, the securities guaranteed by the Central Government or the State Governments in the tax-free Small Savings securities and in the 1 year, 3 year and 5 year Time Deposits in Post Offices. | Balance. |

2. All re-investment of provident fund accumulations (whether invested in securities created and issued by the Central Government or in savings certificates issued by the Central Government or in securities created and issued by a State Government) shall also be made according to the pattern mentioned in the first paragraph.

[No. 5-MT(7)/70.]

पोत परिवहन तथा उपरिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 1 जून, 1970

एस० ओ० 2104.—तात्विक निर्वहण निधि योजना, 1966 के पैराग्राफ 44 के साथ पठित तत्विक निर्वहण निधि अधिनियम, 1966 (1966 का 4, की धारा 4 की उपधारा (3) के अनुसरण तथा भारत सरकार पोतपरिवहन तथा परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० फा० आ० 4372, दिनांक 23 अक्टूबर, 1966 के क्रम में केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि निर्वहण निधि संग्रहनों की तथा जमा पूंजी व्याज तथा अन्य प्राप्तियों में से अनिवार्य बहिर्गामी राशियों को कम करने के बाद जो राशि बचेगा उसे निम्नलिखित ढंग से लगाया जाएगा, अर्थात्:—

1-4-70 से 31-3-71 तक की अवधि के लिए

- (1) केन्द्रीय सरकार की सेक्युरिटीज में . . . 50 प्रतिशत से कम नहीं।

- (2) राज्य सरकारों की सेक्युरिटीज , केन्द्रीय सरकार शेष
अथवा राज्य सरकारों द्वारा गारंटी शुदा सेक्युरिटीज,
करमुक्त अल्प बचत सेक्युरिटीज में और डाकघरों के
1 वर्ष, तीन वर्ष और 5 वर्ष के सावधि जमों में ।

2. निर्वाह निधि के सचय का सब का पुनर्निवेश चाहे वह केन्द्रीय सरकार द्वारा सृजित और जारी की गयी सेक्युरिटीज अथवा केन्द्रीय सरकार द्वारा जारी किये गये बचत प्रमाण-पत्र अथवा किसी राज्य सरकार द्वारा सजित और जारी की गयी सेक्युरिटीज में लगाया गया हो) प्रथम पैरा-ग्राफ में दिये गये ढंग के अनुसार किया जाएगा ।

[सं० 5-एमटी(7)/70]

New Delhi, the 3rd June 1970

S.O. 2105.—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, the Central Government hereby establishes a Seamen's Employment Board (Home Trade) at the port of Bombay for a period of two years with effect from the date of publication of this notification and appoints the following persons to be members thereof, namely:—

Chairman

1. The Deputy Director General of Shipping, Incharge of Seamen's Employment Office, Bombay.

Member Secretary

2. The Director, Seamen's Employment Office, Bombay.

Members representing ship owners

3. Shri N. H. Dhunjibhoy.
4. Shri Rasiklal H. Narechanla.

Members representing seamen

5. Dr. Shanti Patel.
6. Shri Vilas Manjrekar.

[No. 15-MT(2)/70.]

J. K. BHATTACHARYA, Dy. Secy.

नई दिल्ली, 3 जून, 1970

एस० एम० 2105:—भारतीय वाणिज्यिक पोत परिवहन (नाविक रोजगार कार्यालय, बम्बई,) नियम 1954 के नियम 5 के अनुसरण में केन्द्रीय सरकार एतद् द्वारा बम्बई पत्तन पर इस अधिमूचना के प्रकाशित होने की तारीख से दो वर्ष की अवधि के लिए नाविक रोजगार बोर्ड (गृह व्यापार) स्थापित करती है और निम्नलिखित व्यक्तियों को उसका सदस्य नियुक्त करती है , अर्थात् :—

अध्यक्ष

1. पोतपरिवहन के उप महा निदेशक, नाविक रोजगार, कार्यालय, बम्बई, के कार्यभारी

सदस्य

2. निदेशक, नाविक रोजगार कार्यालय, बम्बई—

पोतमालिकों का

प्रतिनिधित्व करने

वाले सदस्य

3. श्री एन० एच० धुंजी भाई
4. श्री रसिकलाल एच० नरेचनिया

5. डा० शान्ति पटेल
6. श्री विलास मजेकर

} नाविकों का
प्रतिनिधित्व करने
वाले सदस्य ।

[सं० 15-एमटी(2)/70]

ज० के० भट्टाचार्य, उप सचिव ।

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 2nd May, 1970

S.O. 2106.—In exercise of the powers conferred by rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to appoint Shri R. S. Saigal, Superintendent as officiating Assistant Regional Officer, Central Board of Film Censors, Bombay, with effect from 20th April, 1970 to 30th June, 1970.

[No. F. 2/36/70-FC]

VIRENDRA D. VYAS, Deputy Secy

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 2 मई, 1970

एस० ओ० 2106. . . . चल चित्र (सेन्सर) नियमावली 1958 के नियम 10 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने अधीक्षक श्री आर० एस० सहगल को 20 अप्रैल, 1970 से 30 जून, 1970 तक केन्द्रीय फिल्म सेन्सर बोर्ड, बम्बई में स्थानापन्न सहायक प्रादेशिक अधिकारी नियुक्त किया है ।

[फाइल संख्या 2/36/70-एफ (सी)]

वी० डी० व्यास, उप सचिव ।

ORDER

New Delhi, the 2nd June 1970

S. O. 2107.—In pursuance of the directions issued under the provisions of each of the enactments specified in the first Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarat to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film.
1	2	3	4	5	6
1	Mahitichitra No. 123	243.84 M	Director of Information, Government of Gujarat, Ahmedabad.		Film dealing with news and current events. (For release in Gujarat Circuit only).

[No. F. 28/1/70-FP App.1464]
K. K. KHAN, Under Secy.

आवेदक

नई दिल्ली, 2 जून, 1970

एस०ओ०. 2107.—सड़ के साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार केन्द्रीय सरकार, फिल्म मलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म की उसके गुजराती भाषा रूपान्तर सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 17वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।
- (3) सौराष्ट्र सिनेमा (विनियम) अधिनियम 1953 (1953 का 17 वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा (9)।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेन्ट्री फिल्म है।
1	2	3	4	5	6
1	महितचित्रा संख्या 123	243.84 मीटर	सूचना निदेशक, गुजरात सरकार, अहमदाबाद।		समाचार और सामयिक घटनाओं से सम्बन्धित फिल्म अ.के.एल. गुजरात सर्किट के लिये)

[फाईल संख्या 28/1/70—एफ०पी०—परिशिष्ट 1464
क० क० खान, अवसर सचिव

MINISTRY OF STEEL AND HEAVY ENGINEERING
(Iron and Steel Control)

ORDERS

Calcutta, the 1st June 1970

S.O. 2108.—In exercise of the powers conferred on me by Notification No. S.O. 1436, dated 18th April, 1967, under the Essential Commodities (Regulation of Production and Distribution for purposes of Export) Order, 1966, I hereby direct that the firm specified in Column 1 of the Table below shall sell the goods as specified in Column 2 there-against to the firm specified in the corresponding entry in Column 3 of the said table for purposes of manufacture of Engineering goods for export at the price indicated there-against in Column 4 subject to the conditions enumerated in Column 5 of the said table.

Name of the firm	Specification of goods	Name of the exporter	Price	Condition
1	2	3	4	5
M/s India Steel & Wire Products Ltd., Indrapur, Singhbhum.	(1) H. B. Wires—5·334 tonnes (Five point three three four tonnes) (2) G.I. Wires—19·571 tonnes (Nineteen point five seven one tonnes).	M/s Shree Hanu Iron Works, 43/1, Strand Road, Calcutta-1.	At current market rate.	Supplies should be made on "Export priority basis (i.e. a priority next only to Defence).

[No. ESS. COMM/RPDE/72]

इस्पात और भारी इंजीनियरी मंत्रालय

(लोहा तथा इस्पात नियंत्रण)

आदेश

कलकत्ता, 1 जून, 1970

एस० ओ० 2108 — आवश्यक वस्तु (निर्यात के) प्रयोजनों के लिये उत्पादन और वितरण का विनियमन) आदेश 1966 के अन्तर्गत अधिसूचना सं० एस०ओ० 1436 दिनांक 18-4-67 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एन० द्वारा नीचे दिए गए तालिका के स्तम्भ 1 के फर्म को स्तम्भ 2 में उल्लेखित वस्तुओं को, स्तम्भ 3 में नामांकित फर्म को

इंजीनियरी वस्तुओं के उत्पादन तथा निर्यात हेतु स्तम्भ 4 में दिए गए मूल्य पर, स्तम्भ 5 में दिए हुए शर्तों पर विक्रय करने का आदेश देता हूँ ।

फर्म का नाम	वस्तुओं का विस्तृत विवरण	निर्यातक का नाम	मूल्य	शर्तें
1	2	3	4	5
मेसर्स इण्डियन एण्ड वायर स्टील प्रोडक्ट्स लिमिटेड, इन्द्रनगर, सिंगभूम	(1) एच०बी० वायर्स 5.334 टन (2) जी०आई० वायर्स 19.571 टन	श्री हनुमान सायरन वर्क्स, 42, स्ट्रान्ड रोड, कलकत्ता-7	सामान्य मूल्य जो माल के भुगतान के समय हो ।	माल का भुगतान प्राथमिकता के आधार पर (अर्थात् ऐसी प्राथमिकता जो प्रति रक्षा के माल के भुगतान के बाद हो) देनी होगी ।

[सं० ई०एस०एस०/सी०ओ०एम०एम०/आर०पी०डी०ई०/72]

S.O. 2109.—In exercise of the powers conferred on me by Notification No. S.O. 1436 dated 18th April, 1967, under the Essential Commodities (Regulation of Production and Distribution for purposes of Export) Order 1956, I do hereby cancel the order No. ESS. COMM/RPDE/65 dated 18th April, 1969, on M/s. Indian Steel and Wire Products Ltd., Indranagar, Singhbhum for supply of Wires 16 S.W.G.—24:905 M/Tons to M/s. Shree Hanuman Iron Works, 42/1, Strand Road, Calcutta-1.

[No. PEP/2/4(40)/68.]

एस० ओ० 2109.—आवश्यक वस्तु (निर्यात के प्रयोजनों के लिए उत्पादन और वितरण का विनियमन) आदेश 1966 के अन्तर्गत अधिसूचना सं० एस० ओ० 1436 दिनांक 18-4-67 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्वारा मेसर्स इण्डियन एण्ड वायर प्रोडक्ट्स लिमिटेड इन्द्रनगर, सिंगभूम पर मेसर्स श्री हनुमान सायरन वर्क्स, 42/1, स्ट्रान्ड रोड कलकत्ता, को 24.905 टन वायर— 16 SWG भुगतान के आदेश सं० ESS. COMM/RPDE/65 दिनांक 18-4-1969 को रद्द करता हूँ ।

[सं० पी०ई०पी/2/4/(40)/68]

S.O. 2110.—In exercise of the powers conferred on me by Notification No. S.O. 1436 dated 18th April, 1967, under the Essential Commodities (Regulation of Production and Distribution for purposes of export) Order, 1966, I hereby direct that the firm specified in Column 1 of the Table below shall sell the goods as specified in Column 2 there-against to the firm specified in the corresponding entry in Column 3 of the said table for purposes of manufacture of Engineering Goods for

export at the price indicated there-against in Column 4 subject to the conditions enumerated in Column 5 of the said table.

Name of the firm	Specification	Name of the exporter	Price	Condition
1	2	3	4	5
M/s Indian Steel & Wire Products Ltd., Indranagar, Singhbhur	H.B. Wires—10.847 tonnes (Ten point eight four seven tonnes)	M/s Mitter Manufacturing Private Ltd., 71, Ganesh Chandra Avenue, Calcutta-13.	At current Market Rate	Supply should be made on export priority basis i.e. priority next only to Defence.

[No. ESS. COMM/RPDE/71.]

By Order etc.

S. C. MUKHERJEE,

Director of Export Production and
Iron and Steel Controller.

एस० ओ० 2110.—आवश्यक वस्तु (निर्यात के प्रयोजनों के लिये उत्पादन और वितरण का विनियमन) आदेश 1966 के अन्तर्गत अधिसूचना सं० एस० ओ० 1436 दिनांक 18-4-67 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद् द्वारा नीचे दिये गये तालिका के स्तम्भ 1 के फर्म का स्तम्भ 2 में उल्लेखित वस्तुओं को स्तम्भ 3 में नामांकित फर्म को इंजीनियरी वस्तुओं के उत्पादन तथा निर्यात हेतु स्तम्भ 4 में दिए गये मूल्य पर, स्तम्भ 5 में दिए हुए शर्तों पर बिक्रय करने का आदेश देता हूँ ।

फर्म का नाम	वस्तुओं का विस्तृत विवरण	निर्यातक का नाम	मूल्य	शर्तें
1	2	3	4	5
मेसर्स इण्डियन स्टील एंड वायर प्रोडक्शन्स लिमिटेड, इंदरनगर, निगमम	एच०बी० वायर 10.847 टन (दश दशमलव आठ चार सात टन)	मेसर्स मित्तर मैन्युफैक्चरिंग प्राइवेट लिमिटेड 71, गणेश चन्द्र एविव्यू, कलकत्ता-13 ।	सामान्य मूल्य जो माल के भुगतान के समय हो ।	माल का भुगतान के प्राथमिकता के आधार पर (अर्थात् ऐसी प्राथमिकता जो प्रतिरक्षा के माल के भुगतान के बाद हो) देनी होगी ।

[सं० इ० एस० एच०/सी० ओ० एम० एम०/आर० पी० डी० ई०/71]

आज्ञा से इत्यादि
सुधीर चन्द्र मुर्जी,
निर्यात उत्पादन निदेशक
और
लोह तथा इस्पात नियंत्रक

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Mines and Metals)

-4

New Delhi, the 3rd June 1970

S.O. 2111.—Shri Ram Sewak Agarwal, retires District and Session Judge, Bilaspur (Madhya Pradesh), has been appointed as Tribunal for the purpose of determining the amount of compensation that may be payable under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

[No. F. C3-5(4)/70.]

K. B. SAXENA, Under Secy.

पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय

(खान तथा धातु विभाग)

नई दिल्ली, 3 जून, 1970

का० घ्रा० 2111.—कोयला वाले क्षेत्र (अर्जन तथा विकास) अधिनियम, 1957 के अधीन संदेय प्रतिकर की रकम का निष्पत्ति करने के प्रयोजन के लिए, श्री राम सेवक अग्रवाल, सेवा-निवृत्त जिला और सत्र न्यायाधीश, बिलासपुर (मध्य प्रदेश) को अधिकरण के रूप में नियुक्त किया जाता है ।

[सं० एक कोयला 3-5(4)/70]

के० बी० स्वसेना,

अवर सचिव ।

(पेट्रोलियम विभाग)

नई दिल्ली, 23 फरवरी, 1970

का० घ्रा० सं० 876.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नवागाम सी टी एफ से कैलिको मिरस (ब्रह्मदाबाद) तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

2. अतः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरोदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सेंट्रल वर्कशाप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की माफ़त ।

अनुसूची

नवांगाम सीटी एफ से कैलिको मिल्स (अहमदाबाद) तक गैस पाइपलाइन बिछाना

राज्य—गुजरात

जिला —अहमदाबाद

तालुका—शहर

गांव का नाम	सर्वेक्षण संख्या	हेक्टर	आर.	पी आर
शाहिवाडी	38	0	37	95
	201	0	12	90
	195	0	1	90
	200	0	10	10
	199	0	5	50
	248	0	8	30
काट ट्रैक		0	0	45
	223	0	16	44
	224	0	3	71
	265	0	6	90
	271	0	0	21
	267	0	2	73
	269	0	3	12
	268	0	14	40
	277	0	2	66
	255	0	0	42
	278	0	12	15
	279	0	0	21
	253	0	4	95
	252	0	10	50
	251	0	7	35
	250	0	9	15
	311	0	0	21
	312	0	9	75
	313	0	4	05
	314	0	13	50

[संख्या 29(7)/68-आई० ओ० सी/लेबर० एण्ड लेजिस० एफ०-]

का० अ० सं० 877.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में तेल क्षेत्र में व्ययन स्थल कुआँ संख्या नवांगाम सी से टी एफ कैलिको मिल्स (अहमदाबाद) तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी साइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

2. अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एवढढाग घोषित किया है।

3. उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आप्रसप्त सक्षम प्राधिकारी, गुजरात पाइप लाइन्ज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय अरोदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सेन्द्रल बरुंशाप के पास बरौश-4 को इ- अधिपूचन की तारीख से 21 दिनों के भीतर कर सकेगा। ऐसा आप्रसप्त करने वाला हर व्यक्ति विनिर्विष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी त्रिधि व्यवसायी की मार्फत।

अनुसूची

नवांगाम (सी टी एफ) से कैलिको मिल्स (अहमदाबाद) तक गैस पाइपलाइन बिछाना

राज्य—गुजरात

जिला—अहमदाबाद

तालुका—दशकडोई

गांव का नाम	ब्लाक { सर्वेक्षण संख्या	हेक्टर}	अर	पी	अर
(1)	(2)	(3)	(4)	(5)	
नाज	431	0	5	70	
	433	0	0	75	
	434	0	5	40	
	497	0	3	85	
	496	0	3	50	
	502	0	2	85	
	503	0	2	50	
	501	0	0	06	
	505/भाग	0	0	06	
	506	0	2	80	
	507	0	0	21	
	505/भाग	0	2	70	
	508	0	2	85	
	509	0	2	80	
	578/भाग	0	2	65	
	578/भाग	0	1	30	
	583	0	4	65	

1	2	3	4	5
	580	0	2	50
	579		4	55
	632	0	14	45
	635	0	3	10
	637	0	1	00
	654	0	2	30
	645/भाग	0	2	05
	645/भाग	0	0	60
	644	0	1	05
	643/भाग	0	2	00
	643/भाग	0	2	60
	704/भाग	0	3	20
	704/भाग	0	2	90
	704/भाग	0	2	15
	704/भाग	0	0	60
	704/भाग	0	5	45
	704/भाग	0	0	21
	704/भाग	0	1	15
	कार्ट्रिज	0	0	55
	12	0	0	65
	13	0	3	75
	14/भाग	0	7	75
	14/भाग	0	0	70
	14/भाग	0	1	60

[[संख्या 29 (7)/68-आई० ओ० सो० लेबर एण्ड लेजिस्० (जी)]]

क्र० प्रा० सं० 878.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में नवांगाम सी टी एफ से कैलीको मिल्स (अहमदाबाद) पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुमूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

3. उक्त भूमि में हितवत्त कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइन्स (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरोदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सेंट्रल वर्कशॉप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा। ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

नवांगाम सी टी एफ से कैलिको मिल्स (अहमदाबाद) तक गैस पाइपलाइन बिछाना
लाइन की चौड़ाई 15 मीटर

राज्य—गुजरात

जिला—अहमदाबाद

तालुका—शहर

गांव का नाम	सर्वेक्षण संख्या	हैक्टर	आर	पी आर
शालीपुर गोपालपुर	202	0	37	50
	201	0	6	15
	200	0	13	50
	2			
	200	0	4	50
	1			
	199	0	14	70
	191	0	9	15
बी पी रोड	0	1	50	
199 भाग	0	18	75	
188 भाग	0	1	20	
192	0	8	25	
193	0	29	10	
267	0	1	50	
270	0	3	0	
रोड	0	7	80	
271/भाग		5	10	
271/भाग	0	1	10	
2	0	2	40	
6	0	27	75	

1.	2	3	4	5
	77	0	13	35
	78	0	5	07
	काँटे ट्रेक	0	3	30
	90/भाग	0	6	30
	90/भाग	0	7	50
	90	0	18	0
	93	0	13	05
	103	0	15	60
	104	0	4	50
	105	0	14	55
	110	0	11	25
	115	0	4	65
	109	0	0	12
	117	0	19	50
	118	0	3	0
	119	0	16	50

[सं० 29(7)/68-आई० ओ० सी०/नेबर एण्ड लैंजिस(एच).]

का० आ० सं० 879.—यत : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में तेल क्षेत्र नवागामसी० टी० एफ-1 से कैलिको मिल्स (अहमदाबाद) तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये और ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय बरोदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सैन्ट्रल वर्कशॉप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिता : हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

नवागाम सी० टी० एफ० से कैलिको मिल्स (अहमदाबाद) तक गैस पाइपलाइन बिछाना

लाइन की चौड़ाई 5 मिटर

राज्य—गुजरात

जिला—कैर

तालुका—मातर

गांव का नाम	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
कठवाड़ा	सड़क नवागाम			
	बराजा	0	1	15
	461	0	0	25
	462	0	0	50
	463/भाग	0	2	30
	463/भाग	0	2	90
	463/भाग	0	2	15

[सं० 29(7)/68-आई० ओ० सी०/लेबर० एण्ड लैजिस्० (आई)]

का० आ० 880—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकित में यह आवश्यक है कि गुजरात राज्य में नवागाम सी० टी० एफ० से कैलिको मिल्स (अहमदाबाद) तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये और ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय बरोदा के पश्चिमी क्षेत्र, ग्राड नं० 27, मकरपुरा रोड, सैन्ट्रल वर्कशाप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की माफ़त ।

अनुसूची

नवांगाम यूसी टी० एफ से कैलिको मिल्स (अहमदाबाद) तक पाइपलाइन बिछाना

राज्य — गुजरात	जिला—अहमदाबाद	तालुका— शहर		
गांव का नाम	सर्वेक्षण संख्या	हेक्टर	अर	पी अर
पिपलाज	154	0	51	05
	158	0	2	30
	151	0	4	50
	152	0	18	00
	138	0	24	00
	136	0	9	60
	135	0	14	85
	125	0	20	40
	114	0	51	00
	119	0	24	00

[मं 311 29(7)/63-आई० प्रो० पी०/ लेबर० एण्ड लेजिस० (जे)।

नई दिल्ली, 9 मार्च 1970

का० प्रा० सं० 1130.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में नवांगाम तेल क्षेत्र में व्यधन स्थल कुआ संख्या जी० जी० एस० 111 से जी० जी० एस० 1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये और ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरोदा के पश्चिमी क्षेत्र, शेड नं० 27, भकरपुरा रोड, सैन्ट्रल वर्कशॉप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

जी० जी० ए० 111 से नवांगाम परियोजना के जी० जी० ए० I तक पाइप लाइन बिछाना। बिछान की चौड़ाई 15 मीटर।

राज्य — गुजरात	जिला — कौर	तालुका — मातर		
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
नवांगाम	746	0	4	65
	747 भाग	0	8	25
	747 भाग	0	3	60
	747 भाग	0	1	20
	748	0	3	60
	749	0	9	75
	751/1	0	0	60
	738	0	21	15
	706	0	4	35
	615	0	1	50
	621	0	3	90
	619	0	0	90
	620 भाग	0	6	50
	620 भाग	0	7	65
	618	0	1	45
	617/3	0		52
	631	0	0	15
	632/4	0	5	85
	632/5	0	2	60
	632/6	0	2	60
	609 भाग	0	1	45
	609 भाग	0	0	65
	464/2+4	0	6	15
	464/3	0	4	65
	470/2	0	10	35
	470/1	0	6	44
	480/2	0	1	92
नवांगाम	480/1	0	4	62
	481/1	0	2	82
	493	0	5	33
	492	0	2	42

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
	491	0	1	49
	482	0	10	1
	490	0	3	30
	489 भाग	0	4	50
	489भाग (डबल्यू)	0	9	00

[मध्या 29(7)/68आई० ओ० सी० /लेबर० एण्ड लेजिस]०

नई दिल्ली, 16 मार्च, 1970

का० आ० सं० 1135.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में तवांगाम तेल क्षेत्र में व्ययत स्वतः कुआं पंढरा बी डी बी-54 से बी ए एक-14 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अतसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के लिए अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अर्थात् आशय एतद्वारा घोषित किया है।

3 उक्त भूमि में हेतुवद्द कोई व्यक्ति, उन भूमि के नीचे पाइपलाइन बिछाने के लिए अक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यक्षेत्र, बरौदा के पश्चिमी क्षेत्र, शीड नं० 27, मकरपुरा रोड, मन्दूल वर्कशॉप के पास बरौदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा। ऐसा अक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यद् यो काय करेगा कि क्या वह यह जानता है कि उक्तो मुराई व्यक्तिगत हो या किसी विधि व्यवसायी की भाँति।

अनुसूची

बी डी बी 54 से बी ए एक-14 तक पाइपलाइन बिछाना

राज्य—गुजरात	जिला—हैर	ता.तु.का—मानर		
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
कठवाड़ा	30012	0	0	48
	29812	0	5	68
	29811	0	2	84
	29711	0	7	00
	29712	0	4	16

गांव	सर्वेक्षण संख्या	हेक्टर	आर	मातर
	285	0	0	42
	286	0	5	88
	284।3	0	6	72
बी पी रोड		0	0	60
	273	0	5	40

[संख्या 29(7)/68-आई/ओ सी/लेबर० एण्ड लेजिस०]

का० प्रा० सं० 1136.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में तेल क्षेत्र में अधिन स्थल कुआं संख्या बी एस-25 से बी सी-15 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपायबद्ध अनसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरौदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सेंट्रल वर्कशाप के पास बरौदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी के माफ़त ।

अनुसूची

बी एस-25 से बी सी-15 तक तथा जी जी एस 11 तक पाइपलाइन बिछाना

राज्य— गुजरात	जिला —कैर	तानुका —मातर		
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
कटवाड़ा	65	0	14	40
	बी पी रोड	0	1	20
	66	0	2	56
	128	0	19	56

[संख्या 29(7)/68-आई० ओ० सी/लेबर० एण्ड लेजिस०]

नई दिल्ली, 14 अप्रैल, 1970

का० आ० सं० 1375.— यतः पेट्रोलियम, पाइप लाइन (भूमि उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का० आ० सं० 4721 तारीख 29-11-69 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित हाने के द्वाय तेल और प्राकृतिक गैस आयोग में, सभी विलंगमों से मुक्त रूप में, इस घोषणा के प्रकाशन की 1 तारीख को निहित होगा।

अनुसूची

डी० एस० संख्या एन० के० जी० (काडी-7) से कूप मुख्य प्रतिस्थापन, काडी-1 तक पाइप लाइन बिछाना

राज्य गुजरात	जिला मेहसाना	तालुका	काडी	
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
चलासन	49	0	40	47
	50/1 तथा 2	0	03	50
	51	0	13	15
	52	0	08	50
	52/1	0	13	15
	55	0	00	75
	53	0	1	12
	कार्ट ट्रैक	0	00	50
	22	0	12	14

का० आ० सं० 1428:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में अंकलेश्वर तेल क्षेत्र में व्यधन स्थल कुआं संख्या 7, 13, 14, 17, और 18 से कोसम्बा में स्थित जी. जी. एस. तफ पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइनज (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरोदा के पश्चिम क्षेत्र, शेड नं० 27, मकरपुरा रोड, सैन्ट्रल वर्कशाप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की माफत ।

अनुसूची

व्यधन स्थल, 7, 13, 14, 17 और 18 से कोसम्बा स्थित जी.जी.एस. तफ पाइपलाइन बिछाना

राज्य	—	गुजरात	जिला	—	सूरत	तालुका	—	मंगरील
गांव		सर्वेक्षण संख्या	हेक्टर		अर	पी० अर०		
कुआं संख्या 7 और 14 के लिए								
कुबरेदा		790	0		4	76		
		791	0		3	57		
		792	0		10	71		
		721	0		23	81		
		789	0		14	18		
कुआं संख्या 13 के लिये कुबरेडा								
		211/1	0		7	15		
		210	0		5	75		
		207	0		1	19		
		306/1	0		9	53		
		456/1	0		19	53		
		478/1	0		4	76		
		470	0		4	76		
		479	0		11	91		
		477	0		2	98		
		476	0		2	38		
कुआं संख्या 17 और 18 के लिये कुबरेडा								
		18	0		9	52		
		22/1	0		8	33		

का० आ० 1950—: यतः पट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पट्रोलियम और रसायन मंत्रालय की अधिसूचना का० आ० स० 4723 तारीख 12-11-69 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (i) द्वारा प्रदत्त शक्ति का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी विलंगनों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डी० एस० एस० के० बी० (काड़ी-5) से जी० जी० एस० काड़ी प्रयोगकर्ता के अधिकार के लिये पाइप लाइन बिछाना

राज्य — गुजरात	जिला — महसना	तालुका — काड़ी		
गांव	सर्वेक्षण संख्या	हैक्टर	आर	1 आर
अडुनट्रो . . .	1008	0	07	08
	1044/1	0	13	15
	1009	0	06	07
	1013	0	11	13
	1012	0	04	05
	1020	0	03	04
	1021	0	05	06
	1022	0	02	02
लक्ष्मीपुर . . .	261	0	10	12
	258	0	10	12
	257	0	17	20
	255	0	04	05

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
	256	0	07	08
	239	0	07	08
	247	0	03	04
	246	0	04	05
	245	0	04	05
	244	0	11	13
	201	0	04	05
	200	0	09	11
	197	0	02	05
	196/1	0	09	05
	192/2	0		
	198	0	03	04
	199/1	0	02	02
काड़ी	1957	0	01	01
	1976	0	20	23
	1973	0	21	25
	1972	0	07	08
	1969	0	07	08
	2011/1	0	04	05
	2005	0	06	07
	2004	0	03	04
	2003	0	06	07
	2017	0	06	07
	2022	0	11	13
	2021	0	03	04
	2023	0	03	04

[सं० 20/3/67-आई० ओ० सी०/लिवर० एण्ड लेजिस०]

नई दिल्ली, 20 अप्रैल, 1970

का० आ० 1551.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में महसाना तेल क्षेत्र में व्यघन स्थल कुआं संख्या एसबीए से सोमासन-1 जी जी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरौदा के पश्चिमी क्षेत्र, शैड नं० 27, मकरपुरा रोड, सैन्ट्रल वर्कशॉप के पास बरौदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा। ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुआं संख्या एस बी ए से सोमासन-1 (जी जी एस) तक पाइपलाइन बिछाना

राज्य—गुजरात	जिला—मेहसाना	तालुका—मेहसाना		
गांव	ब्लाक संख्या	हैक्टर	आर	पी आर
हेबुवा	263	0	7	8
	258	0	17	20
	241	0	9	11
	233	0	12	64
	240	0	10	14
	239	0	10	12
	245	0	15	25
	223	0	1	50

[संख्या 11(1)/70 लेबर० एण्ड लैजिस०]

म० वे० शिव प्रसाद राव, अव्वर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 29th May 1970

S.O. 2112/PWA/Sec. 14/Mines/Oilfields/Air Transport Services.—In exercise of the powers conferred by sub-section (3) of section 14, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1151, dated the 16th March, 1968, the Central Government hereby appoints the officers mentioned in column (2) of the Table below to be Inspectors for the purposes of the said Act, and directs that they shall exercise their functions within the local limits of the

areas specified against them in column (3) thereof, in respect of all mines, oilfields and air transport services to which the said Act applies, namely:—

THE TABLE

No.	Officer	Area
1	2	3
I.	<ol style="list-style-type: none"> 1 Chief Labour Commissioner (Central), New Delhi 2 Deputy Chief Labour Commissioners (Central), New Delhi 3 Director, Indian Institute of Labour Studies, New Delhi 4 Deputy Directors, Indian Institute of Labour Studies, New Delhi. 5 Regional Labour Commissioners (Central), New Delhi 6 Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi. 7 Assistant Labour Commissioners (Central), New Delhi 8 Assistant Directors, Indian Institute of Labour Studies, New Delhi. 9 Labour Enforcement Officers (Central), New Delhi. 	Whole of India except the State of Jammu and Kashmir.
II.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner (Central), Bombay 2 All Assistant Labour Commissioners (Central) in the Bombay Region. 3 All Labour Enforcement Officers (Central), in the Bombay Region. 	The State of Maharashtra and the Union Territory of Goa, Daman and Diu.
III.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner (Central) Calcutta 2 All Assistant Labour Commissioners (Central) in the Calcutta Region. 3 All Labour Enforcement Officers (Central) in the Calcutta Region. 	The States of West Bengal (excluding the Districts of Burdwan, Birbhum, Bankura and Purulia, Assam, Meghalaya and Nagaland and the Union Territories of Manipur and Tripura.
IV.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner, (Central), Madras 2 All Assistant Labour Commissioners (Central) in the Madras Region. 3 All Labour Enforcement Officers (Central) in the Madras Region. 	The States of Tamil Nadu Kerala and the Union territory of Pondicherry.
V.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner (Central), Jabalpur 2 All Assistant Labour Commissioners (Central) in the Jabalpur Region. 3 All Labour Enforcement Officers (Central) in the Jabalpur Region. 4 All Junior Inspectors (Central) in the Jabalpur Region. 5 Labour Enforcement Officer (Central), Jhansi. 	The State of Madhya Pradesh.
VI.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner (Central), Kanpur 2 All Assistant Labour Commissioners (Central) in the Kanpur Region. 3 All Labour Enforcement Officers (Central) in the Kanpur Region. 4 All Junior Labour Inspectors (Central) in the Kanpur Region. 	The States of Uttar Pradesh, Punjab and Haryana and the Union territories of Delhi, Himachal Pradesh and Chandigarh.
VII.	<ol style="list-style-type: none"> 1 Regional Labour Commissioner (Central), Dhanbad 2 All Assistant Labour Commissioners, (Central) in the Dhanbad Region. 3 All Labour Enforcement Officers (Central) in the Dhanbad Region. 4 All Junior Labour Inspectors (Central) in the Dhanbad Region. 	The State of Bihar.

1.	2	3
VIII.	1 Regional Labour Commissioner (Central), Hyderabad 2 All Assistant Labour Commissioners (Central) in the Hyderabad Region. 3 All Labour Enforcement Officers (Central) in the Hyderabad Region. 4 All Junior Labour Inspectors (Central) in the Hyderabad Region.	The States of Mysore and Andhra Pradesh.
IX.	1 Regional Labour Commissioner (Central), Ajmer 2 All Assistant Labour Commissioners (Central) in the Ajmer Region. 3 All Labour Enforcement Officers (Central) in the Ajmer Region. 4 Labour Enforcement Officer (Central), Ratlam. 5 Junior Labour Inspector (Central), Agra.	
X.	1 Regional Labour Commissioner (Central), Asansol 2 All Assistant Labour Commissioners (Central) in the Asansol Region. 3 All Labour Enforcement Officers (Central) in the Asansol Region. 4 All Junior Labour Inspectors (Central) in the Asansol Region.	
XI.	1 Regional Labour Commissioner (Central), Bhubaneswar 2 All Assistant Labour Commissioners (Central) in Bhubaneswar Region. 3 All Labour Enforcement Officers (Central) in Bhubaneswar Region.	
		The States of Rajasthan and Gujarat.
		The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.
		The State of Orissa.

[No. C 19/1/69/(LR IV)]
P. C. MISRA, Under Secy.

श्रम, रोजगार व पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

[नई दिल्ली, 29 मई, 1970]

का०प्रा० 2112.—यो० डब्ल्यू० ए०/से० 14/माइंस/मायलफीलड्स/एअर ट्रांसपोर्ट सबिसेस:— मजूरी भुगतान अधिनियम, 1936 (1936 का 4) की धारा 14 की उप धारा (3) तथा धारा 24 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार व पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का०प्रा० 1151, दिनांक 16 मार्च, 1968 को विस्थित करते हुए, केन्द्रीय सरकार एतद् द्वारा निम्न तालिका के स्तम्भ (2) में उल्लिखित अधिकारियों को उक्त अधिनियम के प्रयोजनों के लिए निरीक्षक नियुक्त करती है और यह निदेश देती है कि उक्त तालिका के स्तम्भ (3) में निर्दिष्ट क्षेत्रों की स्थानीय सीमाओं के अन्दर वे सभी खानों, तेल क्षेत्रों तथा वायु परिवहन सेवाओं के सम्बन्ध में, जिनपर उक्त अधिनियम लागू होता है, अपने कार्यों का निर्वहन करेंगे, अर्थात्:—

तालिका

संख्या	अधिकारी	क्षेत्र
1	2	3
I	1. मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली 2. उप मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली।	{ जम्मू और काश्मीर राज्य को छोड़कर सम्पूर्ण भारत।

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3. निदेशक, भारती श्रम अध्ययन संस्थान, नई दिल्ली ।
4. उप निदेशक, भारतीय श्रम अध्ययन संस्थान, नई दिल्ली ।
5. प्रादेशिक श्रमायुक्त (केन्द्रीय), नई दिल्ली । जम्मू और काश्मीर राज्य को
6. मुख्य श्रमायुक्त (केन्द्रीय) के कल्याण सलाहकार, छोड़कर सम्पूर्ण भारत । नई दिल्ली
7. सहायक श्रमायुक्त (केन्द्रीय), नई दिल्ली ।
8. सहायक निदेशक, भारतीय प्रबंध अध्ययन संस्थान, नई दिल्ली ।
9. श्रम प्रवर्तन अधिकारी (केन्द्रीय), नई दिल्ली ।
- 2 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), बम्बई ।
2. बम्बई क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । महाराष्ट्र राज्य और संघ शासित
3. बम्बई क्षेत्र के सभी प्रवर्तन अधिकारी (केन्द्रीय) : क्षेत्र गोवा, दमन और दीव ।
- 3 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), कलकत्ता ।
2. कलकत्ता क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) पश्चिमी बंगाल (वर्धमान, बीरभूम, बंकुरा और पुरुलिया जिलों को छोड़कर) असम, मेघालय और नागालैंड तथा संघ शासित क्षेत्र मनीपुर और त्रिपुरा ।
3. कलकत्ता क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय) ।
- 4 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), मद्रास ।
2. मद्रास क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । तमिल नाडु और केरल राज्य
3. मद्रास क्षेत्र के सभी प्रवर्तन अधिकारी पांडिचेरी । (केन्द्रीय) ।
- 5 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), जबलपुर ।
2. जबलपुर क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । मध्य प्रदेश राज्य ।
3. जबलपुर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय) ।
4. जबलपुर क्षेत्र के सभी श्रम निरीक्षक (केन्द्रीय) ।
5. श्रम प्रवर्तन अधिकारी, (केन्द्रीय), झांसी ।
- 6 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), कानपुर ।
2. कानपुर क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । उत्तर प्रदेश, पंजाब और हरयाणा
3. कानपुर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी राज्य तथा संघ शासित क्षेत्र दिल्ली, हिमाचल प्रदेश और चंडीगढ़ । (केन्द्रीय) ।

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4. कानपुर क्षेत्र के सभी अवर श्रम निरीक्षक (केन्द्रीय) ।
7. 1. प्रादेशिक श्रम आयुक्त (केन्द्रीय), धनबाद ।
2. धनबाद क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) ।
3. धनबाद क्षेत्र के सभी श्रम प्रवर्तन अधिकारी बिहार राज्य (केन्द्रीय) ।
4. धनबाद क्षेत्र के सभी अवर श्रम निरीक्षक (केन्द्रीय) ।
8. 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), हैदराबाद ।
2. हैदराबाद क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) ।
3. हैदराबाद क्षेत्र के सभी श्रम प्रवर्तन अधिकारी मैसूर और आंध्र प्रदेश राज्य । अधिकारी (केन्द्रीय) ।
4. हैदराबाद क्षेत्र के सभी अवर श्रम निरीक्षक (केन्द्रीय) ।
9. 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), अजमेर ।
2. अजमेर क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । राजस्थान और गुजरात राज्य ।
3. अजमेर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय) ।
4. श्रम प्रवर्तन अधिकारी (केन्द्रीय), रतलाम ।
5. अवर श्रम निरीक्षक (केन्द्रीय), आगरा ।
10. 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), आसनसोल ।
2. आसनसोल क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । पश्चिमी बंगाल के बर्दमान, बीरभूम, बंकुरा और पुरुलिया जिले ।
3. आसनसोल क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय) ।
4. आसनसोल क्षेत्र के सभी अवर श्रम निरीक्षक (केन्द्रीय) ।
11. 1. प्रादेशिक श्रमायुक्त (केन्द्रीय), भुवनेश्वर ।
2. भुवनेश्वर क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय) । उड़ीसा राज्य ।
3. भुवनेश्वर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय) ।

(Department of Labour and Employment)*New Delhi, the 29th May 1970*

S.O. 2113.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the trustees of Port of Bombay, and their workmen, which was received by the Central Government on the 19th May, 1970.

BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE No. CGIT-2/5 OF 1969

Employers in relation to the Trustees of port of Bombay**AND****Their Workmen****PRESENT :**

Shri N. K. Vanl, Presiding Officer.

APPEARANCES :

For the employer : Shri R. K. Shetty, Deputy Legal Advisor, Bombay Port Trust, Bombay.

For the workmen : Shri S. K. Shetye, General Secretary, Bombay Port Trust Employees' Union, Bombay.

INDUSTRY : Ports and Docks.
State: Maharashtra

STATE : Maharashtra.*Bombay, the 6th May 1970***AWARD**

By order No. 28/5/69-LWI-III dated 7th April, 1969 the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by sub-Section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred to this Tribunal, for adjudication, an industrial dispute existing between the employers in relation to the Trustees of Port of Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay in respect of the matters set forth in the schedule mentioned below:—

SCHEDULE

"Whether the Lascars, Jolly Boat Tindals and Splicemen attached to the shore unit of the Bombay Port Trust workshop are justified in claiming any monetary relief for the work in connection with the repairs and maintenance of lighthouses, lightships, buoys and beacons in the harbour? If so, what should be quantum of such relief and whether such payment should be made with any retrospective effect and if so, from what date?"

2. Shri S. K. Shetye, General Secretary of the Bombay Port Trust Employees' Union, Bombay (hereinafter referred as 'The Union') has filed written statement on behalf of the employees at Ext. 1/W. According to the Union:—

- (i) The work in the sea away from the Shore is not the normal and legitimate duty of the Lascars, Jolly Boat Tindals and Splicemen attached to the Shore Unit of the Bombay Port Trust workshop.
- (ii) The Lascars, Jolly Boat Tindals and Splicemen, who are members of the Shore Unit, are required to go in a Jolly Boat to Light Houses, Lightships, buoys and beacons in connection with the repairs and maintenance works. They have to take Lighthouse Mechanics and employees of the General work Division with them. Safety of those other employees lies in their hands as they are incharge of the Jolly Boat.
- (iii) The members of the Bombay Port Trust workshop shore Unit are having inferior service conditions in comparison with their counterparts from the Engineering Department of the Bombay Port Trust.

(iv) The work done by the employees in question involves higher degree of skill, risk and hazard.

(v) The employees in question be paid special pay at the rate of Rs. 15 per head per month for doing the work in connection with the repairs and maintenance of Lighthouses, Lightships, buoys and Beacons in the sea with effect from 1-10-1957 on the ground of equity, social justice and fair play.

3. Shri S. D. Chittar, Secretary, Bombay Port Trust has filed written statement-cum-rejoinder at Ext. 2/E on behalf of the Trustees of Port of Bombay (hereinafter referred to as the Employers). According to the employers:—

i. The work in the sea away from the shore is part of the normal duty of the employees in question. The Union in question had admitted in the written statement dated 21st December, 1963 in reference No. IT-CG-3 of 1963 and the written statement dated 23rd November, 1963 in reference No. IT-CG-1 of 1963 before Shri Meher that it was one of the several duties of the Lascars to work in the sea and to row the boats and accompany the Lighthouse Mechanics with Jolly boats to Lighthouses, Lightships, buoys and Beacons and to assist them. While mentioning the duties of the Jolly Boat Tindals in the written statement dated 23rd November, 1963 it is specifically mentioned that they are to be incharge of Jolly Boat to work as a Helm'sman and to do in addition the work of a Deckhand when required. In view of these admissions the contention of the employees in question is not tenable.

ii. The members of the Bombay Port Trust workshop shore Unit are not having inferior service conditions compared with their counterparts in the Engineering Department of the employers.

iii. The work done by the employees in question does not require the higher degree of skill, risk and hazard.

iv. There is no case or justification for the grant of special pay of Rs. 15 per month per head either with effect from 1st January 1957 or from the perspective date. If the special pay is allowed to the employees in question it would introduce an element of discrimination compared to other workmen similarly placed not only in the Bombay Port but also in other parts of the country.

v. Pay scales of the employees in question alongwith other employees were fixed on the basis of the recommendations of Jeejeebhoy Committee. On the second occasion the pay scales were again revised and fixed as per recommendations of the Second Pay commission. There would be again an upward revision in the pay scales on account of the recommendations of the Central Wage Board for Port and Dock Workers. These revisions are in addition to the special allowance of Rs. 2 already being received by the Lascars under Meher Award, interim reliefs granted by the Wage Board and series of upward revision in the Dearness Allowance. Hence the demand for special pay by the employees in question if granted, would create further anomaly and industrial unrest among other employees having the same or similar scales of pay.

vi. Shri Jeejeebhoy and Shri Meher had considered the duties and responsibilities of the Lascars of Jolly Boat Tindals and given them appropriate relief. Similarly the employers considered the duties and responsibilities of Splicemen and gave them appropriate relief. Hence the employees demand is liable to be rejected.

4. The employers have examined two witnesses namely Shri S. Seshan, Shipwright Carpenter Shops Foreman (Ex. 7/E) and Shri Fernandes, Light House Mechanic Ex. 17/E and produced documents Ex. 3 to 6/E, 14/E to 16/E and 18/E.

5. The Union has not examined any witness but it has produced Ex. 8/W to 13/W.

6. Shri S. K. Shetye, General Secretary, Bombay Port Trust Employees' Union, Bombay has argued before me as follows. According to him:—

(1) The Bombay Port Trust by its letter dated 22nd November 1968 Ex. 10/W has agreed that it will not raise any technical objection about the maintainability of the reference to adjudication. Hence it is not open to the Trustees of Bombay Port Trust to raise any technical objection

referring to Jeejeebhoy Committee Report, Meher Award and Wage Board Recommendations.

- (ii) The employees covered by the terms of reference in this case are members of Shore Unit of the Bombay Port Trust Workshop. The Bombay Port Trust Workshop is the place of their work and also the Headquarters for them. It cannot be said that the work in the sea on the Lighthouses, Lightships, Buoys and Beacons for away from the Headquarters is legitimate work of the members of the Shore Unit.
- (iii) Ex. 16/E is an extract from the list of duties etc. filed by the Bombay Port Trust before the Wage Board for Port and Dock Workers relating to Lascars Grade II, Mechanical Engineering Department Shore Section at S. No. 26, page 195. This document shows that the duties in question are not included therein and that on account of this they are additional duties.
- (iv) Jeejeebhoy Committee was expected to go into the pay scales of various categories of employees at 8 Major Ports of India and the work was tremendous. Therefore justice was not done and could not have been done to this category. Jeejeebhoy Committee has not gone into the question of allowance or special pay to any category. Even after the publication of the Jeejeebhoy Committee report and the publication of Meher Award many changes in the pay scales were made subsequently in respect of many categories of employees.
- (v) In reference No. CGIT-43 of 1965 the question was whether the crews of the Docks Flotilla of the Trustees Port Department are entitled to claim payment of Caisson Allowance at the same rate as are applicable to the crews of the Alexandra Dock Shore establishment. If so whether such payment should be made with any retrospective effect and if so from what date?

Shri Salim M. Merchant, Presiding Officer, Central Govt. Industrial Tribunal, Bombay, to whom this reference was made has held that the claim for payment of Caisson Allowance at enhanced rate of Rs.6/- inclusive of Rs. 2/- by way of miscellaneous allowance allowed by Shri Meher should be granted with retrospective effect from 1st September 1960 (vide copy of Award produced at Ex. 12/W). In reference No. CGIT-2/29 of 1968 the question was whether the workmen of the Merrywether Dry Dock and Merrywether Dry Dock Pumping Station are justified in claiming an additional allowance for handling Merry Wether Dry Dock Caisson. If so, at what rate should such allowance be paid and from what date. This Tribunal has held that the workmen of Merry Wether Dry Dock and Merrywether Dry Dock Pumping Station were justified in claiming allowance of Rs. 6/- per month with effect from 22nd June 1967 for attending the Caisson.

Considering these two Awards, special allowance for the work in connection with repairs and maintenance of Light Houses, Light Ships, Buoys and Beacons in the harbour be given.

- (vi) Ex. 15/E shows that Lascars at Pir Pau are given higher pay as compared to Lascars Grade II, that service conditions of the employees covered by this reference are inferior in comparison with their counterparts in the Engineering Department and Port Department. Their claim for special pay for doing the work in question be allowed.
- (vii) Shri Seshan's evidence Ex. 7/E need not be given any weight because Shri Seshan has no experience about the work in the sea. He has not gone even a single time to Lighthouse with the workmen in question. He has not seen them working in the sea on the Lighthouse. His opinion about nature of work of the employees in question be not, therefore, accepted.
- (viii) Evidence of Shri Fernandes, Ex. 17/E, clearly supports the case of the employees in question. His evidence clearly shows that there is risk in going to the top of the Buoy, doing the work in lantern and that the work in the sea is more risky due to the roughness of the sea.
- (ix) Ex. 11/W i.e. T.R. No. 603 shows that Rs. 2/- are paid to the workmen of the Bombay Port Trust workshop for working on Pilot Vessel 'Venu' which is a few miles away from the Shore. There is, therefore, every justification for payment of special pay as claimed in the written

statement as the distance where the employees in question are required to work is about 17 miles. Payment of Rs. 2/- was introduced after the publication of the Jeejeebhoy Committee Report and the Award of Shri Meher.

(x) The employees claim special allowance because the work in question involves higher degree of skill, risk, hazard and inconvenience.

(xi) No other employees of the Shore Unit except the employees in question are required to work in the sea away from the Shore. Hence Rs. 15/- per month be given to each employee with retrospective effect.

7. The Dy. Legal Adviser, Shri R. K. Shetty for the Bombay Port Trust has argued before me as follows:—

(i) In view of Shri Seshan's evidence at Ex. 7/E, Paras. 4 and 5 there is absolutely no basis for the Union to say that going to the sea and working on Lighthouses etc. are not normal and legitimate duty of the workmen in question. The Bombay Port Trust has conclusively proved that it is the normal and legitimate duty of the workmen in question to go into the sea.

(ii) As regards Union's case that the work done by the employees in question involves higher degree of skill, there is no evidence. As regards Union's case that the work done by the employees in question involves risk, he (Shri Shetty) says that he does not mean that there is no risk involved in sea work, but this risk is common to all Lascars in the Port Trust who number 2000 to 3000, Jolly Boat Tindals and other Tindals and categories comparable to Splicemen. There is no additional risk and hazard undertaken by 64 workmen in question. The Union has not proved that there is additional skill, risk and hazard involved in the discharge of duties by the workmen in the sea. The Union has not proved that the work of the Lascars etc. is relatively more dangerous than that of other Lascars working either in the sea or in the Shore.

(iii) The work carried out by the employees in question is so casual and occasional that it does not call for the payment of special pay on a regular monthly basis. The Bombay Port Trust does not require all 64 workmen for sea work. Maximum number of workmen including Tindal and Spliceman is not more than 7 in number. If a man does a special duty once in 2 months like Lascars, do they deserve special pay of Rs. 15/- on a regular basis, as if they are doing the duties every day such as Stenographers, Typists, etc.? They do not deserve a special pay or allowance for occasional performance of duties.

(iv) Without prejudice to the above submissions, if the Tribunal thinks something should be paid, Tiffin allowance of Re. 1/- per day for each workmen may be considered provided if these workmen are engaged in sea work for more than 4 hours at a time.

(v) If the special pay is allowed to the employees in question, it will have serious repercussion in the Harbour Flotilla where the number is between 2000 to 3000. A large number of other categories of workmen such as Plumbers, Motor Mechanics, Masons, Mazdoors, Electricians, Radio Mechanics, etc. are also required to go to Light-houses in connection with their work. If special pay is paid to the Lascars, it will open pandora box generating claims from all these categories of workmen who are working in the sea. In addition other workmen such as Oil Pipe Line Staff numbering about 500 who go to Butcher Island at a distance of 7 to 8 miles in all weather conditions, might also claim a special pay. It will be then difficult for the Bombay Port Trust to resist the claim of other workmen. Otherwise there will be severe heart burning among other employees.

(vi) Jeejeebhoy Committee considered the duties and responsibilities of Lascars, Jolly Boat Tindals and Splicemen and prescribed appropriate scale. It was open to Jeejeebhoy Committee to give higher scales of pay to these workmen but he did not give. Therefore, the claim of the Union for special pay be rejected.

(vii) The Union has demanded something extra for the duties of Lascars before Shri Meher but by demanding a common scale of pay, the Union should be deemed to have admitted that the work done by all the Lascars of the Bombay Port Trust involves equal degree of skill, hazard and risk. Hence the present demand of the employees for

Rs. 15/- per month per head for workshop lascars is inconsistent and contradictory to their stand before Shri Meher.

Shri Meher has already considered the work of Lascars to row Jolly Boats and to go to Light Houses, Lightships Buoys and Beacons and to assist the Light House Mechanics and granted Rs. 2/- as special allowance for all Lascars who had completed 6 months service as may be seen from Ex. 4/E and 16/E.

Upward revision has been given to these employees as a result of implementation of Second Pay Commission recommendations. The Union has accepted the same. This acceptance amounts to admission that duties and responsibilities of Lascars are the same as those of other Lascars of the Port Trust either working in the sea or in the Shore.

During the last 10 years no dispute was raised. The Union should be deemed to have accepted that the degree of skill, hazard and responsibilities are equal in respect of all lascars.

The Wage Board for Port and Dock Workers has further revised their scale of pay with effect from 1st December 1969. On account of this each of these Lascars is getting about Rs. 40 to Rs. 45/- per month. They have also been given by the Wage Board two interim reliefs (1) Rs. 7.80 with effect from 1st February 1965 and (2) Rs. 4/- with effect from 1st August 1965 (vide Ex. 4/E para. 8 of 2/E and 'D' of Ex. 15/E). Having regard to the facts that the Bombay Port Trust employees Union has not demanded higher scale of pay or special allowance for Workshop Shore Lascars for their sea work, the Union should be deemed to have admitted that the degree of skill, hazard and risk in discharge of their duties are the same as those of other Lascars in the Bombay Port Trust.

- (viii) There is no justification to grant the demand either with retrospective effect or even prospective effect. If retrospective effect is to be considered it is relevant to see whether the workmen were under paid. The workmen are paid fairly well as may be seen from Ex. 4/E. There were revision in the Dearness Allowance on not less than 10 occasions during the last 10 years. Further Jeejeebhoy Committee revised their scales of pay with effect from 1st October 1957. Recommendations of the second pay Commission were extended to them with effect from 1st July 1959. The Wage Board for Port and Dock Workers has given two interim reliefs (1) with effect from 1st February 1965 amounting to Rs. 7.80 and (2) with effect from 1st August 1965 amounting to Rs. 4/-. Revised Wage Board Scales of pay have been given with retrospective effect from 1st December 1969. Further they get overtime wages of 32 hours per month at double the rate. A lascar in a maximum scale of pay would get Rs. 320/- per month. A Jolly Boat Tindal would get Rs. 370/- per month. A Spliceman would get Rs. 400/- per month. These wages are comparatively good wages. There is no reason to grant retrospective effect.

8. Points for consideration are as follows:—

- (i) Whether the Lascars, Jolly Boat Tindals and Splicemen attached to the shore unit of the Bombay Port Trust workshop are justified in claiming any monetary relief for the work in connection with the repairs and maintenance of lighthouses, lightships, buoys and beacons in the Harbour?
- (ii) If yes, what should be the quantum of such relief?
- (iii) Whether such payment should be made with retrospective effect from 1st October 1957?
- (iv) From what date, allowance should be allowed?
- (v) What order?

9. My findings are as follows:—

- (i) Yes.
- (ii) Rs. 6/- per month per head.
- (iii) No.

(iv) From the date of reference i.e. 7th April 1969.

(v) As per order.

Reasons

Point No. 1

10. At the outset, it is necessary to refer to one important letter No. L/GEE-E(u)/4733 dated 22nd November, 1968, Ex. 10/W by the Bombay Port Trust to the General Secretary, Bombay Port Trust Employees' Union, Bombay. This letter is as follows:—

"Grievances of Khalasis, in the Shore Unit of B.P.T. Workshops, Work in connection with the Lighthouses, Buoys etc.—Reference to adjudication.

With reference to your letter No. PO/KH.WS/573 dated 18th October, 1968 on the above subject, I am directed to state that the draft terms of reference as suggested therein are acceptable to this administration. Twelve copies of the joint application are forwarded herewith for signature and return.

As regards para two of your letter, under reference I am directed to state that while this Administration will not raise any technical objections about the maintainability of the reference to adjudication, the Administration will be free to bring to the notice of the Tribunal any previous Awards on the subject and other relevant facts pertaining to it."

11. On going through the above letter, it appears to me that the intention of both the parties is that this Tribunal should consider the present demand of the employees purely on merit without taking into consideration any technical objection. The employers have assured that they will not raise any technical objection.

12. It is common ground that this reference was made to this Tribunal by the Central Government on account of the joint application made to it by both the parties while the Wage Board was functioning.

13. It is crystal clear from the letter, Ex. 10/W referred to above that the draft terms of reference as suggested by the employees were acceptable to the Administration and the same terms were mentioned in the joint application made to the Government for making reference. Considering the letter at Ex. 10/W and the circumstances under which the present reference has been made to this Tribunal I am of the view that the technical objections are not to be taken into consideration and that this reference has to be considered purely on merit.

14. The employees covered by the terms of reference are members of the Shore Unit of Bombay Port Trust Workshop. Bombay Port Trust workshop is the place of their duty. The same is the Headquarters for them.

15. It is contended by the Union that the work in the sea on the Lighthouses, Lightships, Buoys and Beacons far away from the Headquarters is not the legitimate duties of the members of Shore Unit, and that it is not part of their normal work and duty. This contention cannot be accepted.

16. Ex. 6/E shows the channel of promotion of the Shore unit covered by this reference. Shri S. Seshan, Ex. 7/E is the shipwright Carpenter Shop Foreman. He is in the service of the Bombay Port Trust since 1947. He speaks about the channel of promotion of Shore Unit. His evidence shows that:—

- (i) Lascar Grade II is promoted as Jolly Boat Tindal on test.
- (ii) Jolly Boat Tindal is promoted as Spliceman on test.
- (iii) Spliceman is promoted as Lighthouse Tindal without test.
- (iv) Lighthouse Tindal is promoted as Workshop Tindal without test.
- (v) Workshop Tindal is promoted as Serang.

17. Ex. 5/E is the extract from Syllabi of Minimum qualifications, Standard Trade test for recruitment, promotion and efficiency Bar for Scheduled and non-Scheduled employees of the Chief Mechanical Engineer's Department, Bombay Port Trust relating to (1) Lascars 2nd Grade, (2) Spliceman (3) Tindal-Jolly Boat.

18. Shri Seshan, Ex. 7/E speaks about the duties of various categories in each Section. His evidence shows:—

“Lascars, Jolly Boat Tindals, Splicemen attached to the shore Unit of the Bombay Port Trust workshop are working in Shore Lascars’ Section. When the Lascars are recruited they are given certain tests. These tests are as follows:—

- (1) Literacy, (2) Swimming, (3) Diving, (4) Rowing of Jolly Boats, (5) Throwing of heaving line (6) Knowledge of different types of rope knots.

If the candidates fail in any one of the above mentioned tests, they will not be selected. These workers are supposed to row a Jolly boat or an Anchor Boat and also to help the Lighthouse mechanics, who go with them. Jolly Boat is not a power vessel. Generally, Jolly Boat is towed by another launch or tug. These Lascars sit either in a Jolly boat or anchor boat. Jolly boat Tindals and Splicemen also sit alongwith lascars in the Jolly Boat. They have nothing to do with the launch or tug which pulls the Jolly Boat or anchor boat. These Lascars and others are supposed to visit all Light Houses, Light Buoys and Light Vessels under instructions from the Lighthouse mechanics.

“There are 8 Splicemen, 4 Jolly Boat Tindals and about 50 Lascars. If there is a Jolly boat, one Jolly Boat Tindal and 4 Lascars would sit. If it is an Anchor Boat there will be one Lightship Tindal, One Jolly Boat Tindal and one Spliceman and 4 Lascars. These workmen go in rotation except in case of Light Ship Tindal. On an average about 2-3 times a week each batch is deputed for attending duties in the harbour. On an average each batch gets its turn to go to the Light House not more than twice a month.”

19. Ex. 16/E is an extract from the list of duties etc. filed by the Bombay Port Trust before the Central Wage Board for Port and Dock Workers relating to Lascars Grade II, Chief Mechanical Engineer’s Department, Shore Section at Serial No. 26, Page 195.

20. Duties of Lascars Grade II (previously designated as Deck-hand, Grade II, Shore Section) mentioned in column 8 of Ex. 16/E are as follows:—

“Outdoor: Assisting Splicemen, Cleaning of slipways, oiling of wire ropes and rails of slipways, sending out heaving lines etc. rowing small boats, assists during slipping and unslipping operations, slipping/unslipping of small boats on the slipway ramp.”

21. The Union contends that in the statement Ex. 16/E referred to above there is no mention of additional duties. This important work could not have been ignored if it was legitimate and normal duty of the employees.

22. It is true that there is no mention about the additional duties in Col. 8 of the statement Ex. 16/E, but it specifically mentions some duties adding the word ‘etc.’. The expression ‘etc’ is wide enough to cover the alleged additional duties of the Lascars Grade II. Shri Seshan speaks about the duties of the workmen in question. He is an officer of the Bombay Port Trust since 1947. He knows what the duties of the employees in question are.

23. Shri Fernandes, Ex. 17/E is working as Lighthouse Mechanic. He joined as a Fitter Boy in the Bombay Port Trust on 1st June, 1933. He is now 1st grade Light House Mechanic. Since 1933 he has been going to the Lighthouse. He is aware of the duties and responsibilities of the Shore Lascars, Jolly Boat Tindals and Splicemen. According to him, the Tindal is a Captain of the boat when Lascars, Jolly Boat Tindals and Splicemen visit the Lighthouse for repairs. Lascars and Splicemen go to the top of buoys having a height of 13 feet from the level of the water.

24. From Paras. 8 and 9 in Ex. 2/E it appears that the Union admitted before Shri Meher in reference No. IT-CG-1 of 1963 that it was one of the several duties of Lascars to work in the sea, to row boats and to accompany the Lighthouse mechanics with Jolly boats to Light House, buoys and beacons and to assist them.

25. Considering the admission of the Union given before Shri Meher referred to above and the evidence of Shri Fernandes, it is clear that the employees in question are discharging the alleged additional duties in connection with the

repairs and maintenance of Lighthouse and Lightships, Buoys and Beacons since many years. As they are discharging these duties in addition to the normal duties since many years, it cannot be said that the work in the sea on the Light House is not their legitimate and part of normal work and duty.

26. It is contended by the employers that if the work in the sea on the Light-houses, Light Ships, Buoys and Beacons far away from the headquarters is the legitimate and normal work of the members of the shore unit, they cannot claim any special allowance.

27. Admittedly the Bombay Port Trust is giving Caisson allowance to the crew of the Docks Flotilla of the Trustees Port Department, the crew of the Alexandra Dock Shore establishment and the workmen of the Merrywether Dry Dock and Merrywether Dry Dock Pumping Station for handling caisson, though this work is part of their normal duty. In view of this precedence in Bombay Port Trust the contention of the Bombay Port Trust for not allowing special allowance to the employees in question for the work in connection with the repairs and maintenance of Light-Houses, Light Ships, Buoys and Beacons in the Harbour on the ground that it is a part of their normal duty cannot be upheld.

28. The Union's case is that the work done by the employees in question involves higher degree of skill, risk and hazard.

29. Shri Fernandes, Ex. 17/E, is a witness examined on behalf of the Bombay Port Trust. He is working as Light House Mechanic in the Bombay Port Trust. Since 1933 he has been going to Lighthouses, Lightships, Buoys and Beacons in connection with his work. His evidence shows:—

- (i) There is great risk in going to the top of the Buoy for doing work in connection with the lantern.
- (ii) At Tucker Beacon these workmen are required to work at top of the Beacon. All Lights remain at the top. The height of the Beacon may be 90 Ft.
- (iii) These workmen have worked with him (i.e. Fernandes) at the place 6 Ft. below the top of Tucker Beacon Lighthouses.
- (iv) These workmen are required to go to Prongs Lighthouse once or twice in a year.
- (v) Safety of other employees going to Lighthouse in Jolly boat or Anchor boats is in the hands of Lascars, Jolly Boat Tindals and Splicemen.
- (vi) The work in the sea is more risky due to roughness of the sea.
- (vii) These workmen are referred to work at sea at 30 different places.
- (viii) The distance between the Floating Light ship and workshop on shore is about 17 miles.
- (ix) These workmen are required to replace the cap of the sun valve at the top of Floating Light vessel. The height of the sun valve above the sea level is about 50 to 60 ft. In the Bombay Floating vessel this height is about 20-30 Ft. above the deck of the ship.
- (x) Floating vessel is not stable. Movement of the vessel makes the job of the Lascars more risky.
- (xi) Lascars, Splicemen and Jolly Boat Tindals are required to carry Gas Cylinders in Jolly Boat and Anchor Boat.
- (xii) Bombay Floating light vessel is anchored at one place permanently. Buoys are anchored at different places. All the Buoys in the sea are floating. There are currents in the sea. Due to this, work on the Buoys is more risky.
- (xiii) There were some accidents in connection with the work connected with Lighthouses, Beacons and Buoys.

30. As Shri Fernandes goes to Light Houses, Lightships, Beacons, and Buoys for work alongwith the employees in question, he is the most competent witness to speak about the nature of work done by the employees in question. There is no reason to reject his evidence. I am satisfied from his evidence that the work done by the employees in question (i.e. Lascars, Jolly Boat Tindals and Splicemen attached to the Bombay Port Trust Workshop) involves great risk and hazard.

31. Shri Seshan, Ex. 7/E, Ship Wright Carpenter Shops Foreman, has been examined by the Bombay Port Trust as a witness. His evidence shows that as far as he knows there is no uncommon risk to the life of the workmen while discharging their duties and that during the last 20 years of his service no Tindal Lascar or Spliceman has ever lost his life by drowning while discharging the duties connected with Lighthouse, Lightships, Beacons and Buoys at any time.

32. As Shri Seshan has not seen the workmen actually working in connection with repairs and maintenance of Light Houses, Lightships, Beacons and Buoys, his evidence to the effect that there is no uncommon risk involved in the work done by the employees in question cannot be given any weight.

33. Shri Seshan, Ex. 7/E, further says that there is risk in discharging the duties by the workmen but that risk is not extra-ordinary and that the risk of work on shore is more than that the one on the Jolly Boat.

34. Shri Seshan at least admits that there is risk in discharging the duties by the workmen in question but that risk is not extra-ordinary. His partial admission supports the case of the Union, that the work done by the employees in question involves risk and danger.

35. As regards his statement that risk of work on shore is more than the one on the Jolly Boat, I am unable to accept the same. The work in the sea involves more risk and danger than the one on the shore.

36. Shri Seshan, Ex. 7/E, says that Life Buoys and Life Jackets are not provided in the Jolly Boat or Anchor Boat, but they are provided on a Launch or a tug which tows the Jolly Boat or Anchor Boat. The distance between the rear portion of the Launch or Tug and the front portion of the Anchor Boat or Jolly Boat in which the workmen in question are carried, is about 100 to 150 Ft. There is great risk to their lives.

37. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that he does not mean that there is no risk involved in sea work, but this risk is common to all Lascars in Bombay Port Trust, Jolly Boat Tindals or other Tindals and categories comparable to splicemen. He also says that there is no additional risk and hazard undertaken by 64 workmen in question.

38. Shri R. K. Shetty, indirectly admits that there is risk involved in the sea work. There can be, therefore, no doubt that the work done by the employees in question in the sea involves risk and danger.

39. As regards Shri Shetty's contention that the risk involved in the sea work is common to all the employees working in the sea, it cannot be accepted. The employers have not examined other categories of workmen working in the sea to show that the risk involved in their work and that of the employees in question is the same and negligible. The conditions and circumstances under which other employees are working in the sea, are not on record. It is not for the employees in question to prove that other workmen working in the sea have to face less hazard and danger compared to them. What they have to prove is whether their work in the sea involves risk and hazard. In my opinion the evidence on record discussed above clearly proves Union's case that the work done by the employees in question in the sea involves risk and hazard.

40. From the evidence of Shri Fernandes, Ex. 17/E, the nature of work done by the employees in question is quite clear. Considering the nature of work done by the employees in question, I find that it requires skill.

41. According to Shri Shetty, Dy. Legal Adviser for the Bombay Port Trust, Bombay Port Trust does not require all the 64 workmen at a time for sea work. The maximum number of workmen including Tindals and Splicemen is not more than 7 in number. Sea work carried out by the workmen in question is casual and occasional. Hence the demand of the Union for special pay for this work is not justified.

42. Ex. 14/E, is a statement showing the visits of workshop Shore Lascar Staff to Light Houses, Light Buoys, Beacons and Lightships during the period from 1966 to 1969, which is as follows:—

“Sr. No.	Place of work to be visited.	No. of visits				Remark if any.
		1966	1967	1968	1969	
1.	Wreck Marking Buoy	3	2	—	—	
2.	Unattended light vessel No. 1 and 2	5	5	2	2	
3.	South Butcher Buoy	5	3	7	8	
4.	Prongs Reef Buoy	4	6	7	5	
5.	Middle Ground Buoy	5	3	—	5	
6.	North Channel Beacon	4	6	5	3	
7.	North Karamja Buoy	4	4	4	4	
8.	Dolphin Light House	7	10	2	—	
9.	Tucker Patch Beacon	5	5	8	13	
10.	Sunk Rock Light House	3	2	4	3	
11.	South Entrance Buoy	2	7	6	2	
12.	Dam Light Buoy	3	7	4	4	
13.	Spoil Ground Buoy	1	7	3	2	
14.	Oran Beacon Buoy	—	2	—	—	
15.	South West Elephenta Buoy	—	3	3	4	
16.	INS Vikrant	—	2	3	2	
17.	New Gas Dredging Buoys 1, 2 & 3	—	—	15	9	
18.	Kansa Island	—	—	4	2	
19.	Butcher Turning Buoy	—	—	—	1	
20.	Prongs Light House	1	3	3	2	
21.	Kennery Light House	NIL	NIL	NIL	NIL	
		52	77	80	71”.	

43. It is clear from the Ex. 14/E, referred to above, that the employees in question have to visit Lighthouses, Light Buoys, Beacons and Lightships occasionally. These occasional visits varied from 52 to 80 times during the years 1966 to 1969.

44. There are two awards on record. One is in reference No. CGIT-43 of 1965 and the other is in reference No. CGIT-2/29 of 1968. It appears from these two awards that Caisson allowance is given to all the employees concerned though the Caisson work has to be done by a few Lascars at a time and has to be done occasionally only. If the Caisson Allowance per month is given to all employees concerned for occasional work by a few of them only, why should not the employees concerned get the special pay per month for the work done in connection with repairs and maintenance of Light Houses, Lightships, Buoys and Beacons in the Harbour, though few of them only at a time have to do this work occasionally. In view of the prevailing practice regarding Caisson Allowance, referred to above, in the Bombay Port Trust, Shri R. K. Shetty's contention for not allowing special pay or special allowance to all the employees in question for casual and occasional performance of duties by few of them cannot be accepted.

45. According to Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust, Jeejeebhoy Committee considered the duties and responsibilities of Lascars, Jolly Boat Tindals and Splicemen and prescribed appropriate scales. It was open to Jeejeebhoy Committee to give higher scales of pay to these categories but he did not do so. Therefore, the claim of the Union for special pay be rejected.

46. It appears from para. 6 of the Jeejeebhoy Committee report that the Committee was to examine the duties and responsibilities of the various posts and fit them into one or other of the scales of pay given in the attached Schedule, in

the light of the scales of pay of posts with comparable duties and responsibilities in other departments of Government. The dispute regarding special allowance for this work in connection with the repairs and maintenance of Lighthouses, Light Ships, Buoys and Beacons in the Harbour was not specifically before Jeejeebhoy Committee. Hence the Union's demand for special pay cannot be disallowed on this ground.

47. According to Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust, Shri Meher has already considered the work of Lascars, to row Jolly Boats and to go to Lighthouses, Buoys and Beacons and to assist Lighthouse mechanics and granted Rs. 2/- as special allowance for all the Lascars who had completed six months service. As the dispute involved in this reference is already considered by Shri Meher, this reference is liable to be rejected.

48. Points involved in the three references before Shri Meher were as follows:—

(a) Whether there are anomalies, in regard to any of the pay scales recommended by the tripartite Committee set up by the Resolution of the Central Government in the Ministry of Transport and Communications Department of Transport No. 23-PLA(91)/58 dated the 23rd August, 1958 published in Part I of the Gazette of India Extra-ordinary of the 25th August, 1958, in respect of the categories of posts listed in the annexure;

(b) If so, what modifications, if any, should be made in the scales of pay recommended by the said Committee for the posts listed in the annexure, having regard to the directions contained in paragraph 2 of the said Resolution."

49. The dispute regarding special allowance claimed in the present reference was not specifically referred to Jeejeebhoy Committee. Hence this dispute could not legally be also before Shri Meher. The dispute before Shri Meher was in respect of anomalies in the pay scales of the various categories of employees mentioned in the order of reference to him. Hence it appears to me that the Union's demand for special pay for the work in connection with the repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour cannot be rejected, simply because Shri Meher has granted Rs. 2/- as special allowance to all Lascars for miscellaneous work.

50. Ex. 4/E is a statement showing the total emoluments of the categories of workmen mentioned below of the Chief Mechanical Engineer's Department during the period from 1959 to 1969:

Category	Pursuant to the recommendations of S.P.C. Scale of pay as per revision <i>vide</i> T.R.No.416 of 8-5-62 with effect from 1-7-1959, D.A. and other allowances	Interim Relief Rs. 7.80 from 1-2-65							
		Total Wages							
		Scale	D.A.	Other Allowances.	Total Wages				
		On Min.	On Max.	On Min.	On Max.	On Min.	On Max.	On Min.	On Max.
1	2	3	4	5	6	7	8	9	10
Lascar	70—1—80— EB—1—85 (to start on 72 - p.m.)	10.00	10.00	19.50	26.50	101.50	131.50	119.50	149.50
Jolly Boat Tindal	85—2—95— 3—110	10.00	10.00	23.50	31.00	118.50	151.00	136.50	183.00
Splicemen	100—3—130	10.00	10.00	30.00	32.50	140.00	172.00	158.00	201.50

Interim Relief Rs. 11-8-65 from 1-8-65	D.A. & other allowances at present		Present total wages		On implementation of Wage Board Pay including D.A. & other allowances		Remarks	
Total wages								
On Min.	On Max.	On Min.	On Max.	On Min.	On Max.	On Mini.	On Max.	
11	12	13	14	15	16	17	18	19
155.30	140.30	107.30	109.3	179.30	204.30	220.30	268.52	
167.30	222.80	106.30	140.80	191.30	250.80	226.51	297.00	
188.80	244.30	112.80	142.30	212.80	272.30	257.18	328.50	

NOTES.—(i) Creation of 8 posts of Spliceman vide T. R. 926 of 29 October, 1963 with retrospective effect from 1st October, 1957 in the scale of pay of Rs. 50—2—60—5/2—75.

(ii) Special Allowance Rs. 2/- p.m. to Lascars T. R. No. 114 of 1964 Retrospective effect from 1st October, 1957.

(iii) Average O. T. 32 hours per month—

Amount of O. T.

	Min.	Max.
Lascar Hind Grade	47.81	54.48
J. B. T.	51.00	66.88
Spliceman	66.88	72.61

(iv) The recommendations of the Wage Board would be implemented with retrospective effect from 1st January, 1969."

51. Relying on this statement Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that in as much as pay scales of the employees in question have been revised from time to time and in as much as they are getting good wages now, their demand for special pay be not accepted.

52. The pay scales have been revised from time to time of the employees in question alongwith other employees on account of rise in cost of living. This rise has nothing to do with the present demand of the employees in question for getting special pay for doing the work in connection with repairs and maintenance of Lighthouses, Lightships, Beacons and Buoys in the Harbour on the ground that this work involves skill, risk and hazard.

53. According to Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust, upward revision has been given as a result of implementation of the recommendations of the Second Pay Commission extended to the employees in question. The Union has accepted the same. This acceptance amounts to admission that the duties of these Lascars are the same as those of other Lascars of the Bombay Port Trust either working in the sea or on the Shore.

54. On account of the implementation of the recommendations of the Second Pay Commission, the Bombay Port Trust authorities revised the pay scales of the employees in question and other employees in ordinary routine and the Union accepted the upward revision. The Union's acceptance of the upward revision of pay of the employees in question does not amount to its admission that the duties of these Lascars are the same as those of other Lascars working either in the sea or on the Shore. The contention raised by Shri Shetty, in this respect does not appear to be sound and logical. It deserves to be rejected.

55. According to Shri Shetty, Dy. Legal Adviser for the Bombay Port Trust, the Wage Board has further revised their scales of pay with effect from 1st December, 1969 and given each of those Lascars about Rs. 40/- to Rs. 45/- per month. They have been also given two interim reliefs viz. (i) Rs. 7.80 with effect from 1st December, 1965 and (ii) Rs. 4.00 with effect from 1st August, 1965 by the Wage Board. As the Bombay Port Trust Employees Union has not demanded

higher scale of pay or a special pay or a special allowance for the Workshop Shore Lascars for their sea work, it should be deemed to have admitted that the degree of skill, hazard and risk in the discharge of their duties are the same as those of other Lascars in the Bombay Port Trust.

56. It is interesting to note that the joint application for making the present reference to this Tribunal for adjudication of the present demand was made to the Central Government by the Bombay Port Trust and the Bombay Port Trust Employees' Union, during the pendency of the Wage Board proceedings. It, cannot be, therefore, said that the Bombay Port Trust employees Union had admitted that the degree of skill, hazard and risk in discharge of the duties of the employees in question are the same as those of other Lascars in the Bombay Port Trust. I am, therefore, unable to accept the contention raised by Shri R. K. Shetty in this respect.

57. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that in as much as during the last 10 years, no dispute was raised, the Union should be deemed to have accepted that the degree of skill, hazard and responsibility involved in sea work of the employees in question is the same as those of other Lascars in the Bombay Port Trust. This contention cannot be accepted. The employees have been demanding special pay for their sea work in connection with repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the harbour since long.

58. According to Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust, if the demand in question is conceded it would create more dispute and disturb industrial peace. There are thousands of workmen working in the sea. They would also raise similar disputes for risk allowance, for work in the sea. This would defeat the object of the Industrial Disputes Act, which is industrial peace.

59. The apprehension entertained by Shri Shetty, Dy. Legal Adviser for the Bombay Port Trust appears to be imaginary and without any basis. I do not think that other employees of the Bombay Port Trust working in the sea would also demand risk allowance and industrial peace would be disturbed, if special allowance is allowed to the employees in question on the grounds mentioned by them. If the demand is justified, the Tribunal has to allow it. It cannot reject it on the ground of imaginary and baseless apprehensions, entertained by the employers. The contention raised by Shri Shetty, Dy. Legal Adviser for the Bombay Port Trust in this respect, therefore, falls.

60. The Union contends that if Rs. 2/- per day are paid to the workmen of Bombay Port Trust Workshop for working on Pilot Vessel 'VENU', which is few miles away from shore, there is every justification for payment of special pay as claimed by the Union in the written statement, because the distance where the employees in question are required to work is 17 miles away from the Shore (vide Ex. 11/W, regarding provision of lunch and tea to workshop staff sent to work on Pilot Vessel 'VENU' while on Station).

61. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that without prejudice to his various objections for the grant of special pay to the employees in question, a tiffin allowance of Re. 1/- per day for each workman may be considered, provided these workmen are engaged in sea work for more than 4 hours at a time.

62. Pilot Vessel 'VENU' is at a distance of 5 miles from the Shore. All comforts are provided on 'VENU' Vessel. On the other hand no comforts are provided on Jolly Boats and Anchor Boats. They are small. The employees in question have to go to Lighthouses, Lightships, Buoys, Beacons in them in rough sea also. The work in connection with repairs and maintenance of Lighthouses, Lightships, Beacons and Buoys involves risk and hazard. There is no such risk in working on 'VENU'. Hence mere offer of tiffin allowance of Re. 1/- to the employees in question for their sea work, made by Shri Shetty would not be sufficient. If the employees sent to work on Pilot Vessel 'VENU' are given Rs. 2/- per day as lunch and tiffin allowance, it is not understood as to why special pay or special allowance should not be given to the employees in question for their sea work involving skill, risk and hazard. There is no justification to refuse the same to them.

63. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust, contends that in the fixation of wage differentials, the following factors should be taken into account:—

- (1) the degree of skill,
- (2) the strain of work,
- (3) the experience involved,
- (4) the training required,
- (5) the responsibility undertaken,
- (6) the mental and physical requirements,
- (7) the disagreeableness of the task,
- (8) the hazard attendant on the work, and
- (9) the fatigue involved.

64. There can be no doubt that the above mentioned factors should be taken into consideration in the fixation of wage differentials. In considering the question of special pay or special allowance, these factors have to be taken into consideration.

65. In the present case, the witness Shri Fernandes (Ex. 17/E) examined on behalf of the Bombay Port Trust supports the case of the Union. His evidence referred in details in para. 29 of this judgment clearly proves that the work of the employees in question involves great risk and hazard. From the nature of work, done by the employees in question, it is clear that it involves skill, risk and hazard.

66. While considering the question of allowing special allowance or special pay for the sea work, involving skill, hazard and risk, it is not necessary that all 9m factors referred to in para. 63 should be necessary. If some of the factors are there, and if they are sufficient, special allowance can be allowed. In my opinion skill, risk and hazard involved in sea work of the employees in question, are sufficient for allowing special allowance in the present case.

67. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust has brought to my notice paras. 5.220 and 5.288 of the Desai Award in the Bank Disputes.

68. Para. 5.288 of the Desai Award in the Bank Disputes is as follows:—

“5.288: It has been urged on behalf of the banks that these special allowances should be paid to the employees only when they are required to perform and when they in fact perform special duties for the performance whereof these allowances are prescribed and that the special allowances should cease to be payable when the employees cease to perform the special duties for any reason. It is further urged that special allowances are payable when a person is employed whole-time to do specified jobs attracting such allowances. It is also urged that such allowance should not become payable when a person is casually or occasionally asked to do some duty of the type attracting a special allowance. The special allowances which have been awarded are monthly special allowances. They are intended to compensate a workman for the performance of certain duties and the discharge of certain functions which constitute the normal part of the duties performed and the functions discharged by such person. They are not intended to be paid for casual or occasional performance of such duties or the casual or occasional discharge of such functions. It is however not necessary that the person should continue to perform such duties or discharge such functions whole-time. For instance a person who is doing supervisory work need not do the work of supervision all the time in order to be entitled to an allowance.”

69. It is clear from para. 5.288 of Desai Award referred to above that it is however not necessary that the person should continue to perform such duties or discharge such functions whole time. For instance a person who is doing supervisory work need not do the work of supervision all the time in order to be entitled to an allowance. Considering this view and having regard to the nature of sea work in connection with the repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour, done by the employees in question, I am of the view that they cannot be denied special allowance or special pay on the ground that it is casual or occasional.

70. The Union contends that the lives of other employees like Lighthouse Mechanics, Mazdoors, who accompany the workmen in question is in the hands of the workmen. On account of this, the duties of the employees in question are very responsible and important.

71. Shri Fernandes, Ex. 17/E, admits in his cross-examination that safety of other employees going to Lighthouses in Jolly Boat or Anchor Boat is in the hands of Lascars, Jolly Boat Tindals and Splicemen. This admission supports the Union's case that the duties of the employees in question are very important.

72. The work of maintenance and repairs of the Lighthouses, Lightships, Buoys and Beacons in the Harbour, is very important. Lighthouses, Lightships, Buoys and Beacons are very important from the safety points of view of the vessels. If the Lighthouses do not function, safety of the vessels would be in danger. Naturally the employees in question will have to go for this work at any time as and when it is necessary to do so. They will have to attend this work though the sea may not be normal. There can be no doubt that sea work of the employees in question is very important and that it involves skill, hazard and risk.

73. In short, considering the arguments advanced by Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust and the evidence of two witnesses namely Shri Seshan and Fernandes, examined by the Bombay Port Trust and the documents produced by the Bombay Port Trust and the arguments advanced by Shri S. K. Shetty, General Secretary of the Bombay Port Trust Employees' Union, Bombay and the documents produced by the Union, I am of the view that the Lascars, Jolly Boat Tindals and Splicemen attached to the Shore Unit of the Bombay Port Trust Workshop are justified in claiming monetary relief i.e. special pay for the work in connection with the repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour on the ground that this work is very important and involves skill, hazard and risk. Hence my finding on point No. 1 is in the affirmative.

Point No. ii.

74. Shri S. K. Shetty, General Secretary of the Bombay Port Trust Employees' Union, Bombay, contends that the employees in question be paid special pay at the rate of at least Rs. 15 per month per head for doing the important work in connection with the repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour.

75. It appears from the two awards on record that Caisson allowance has been allowed to the employees of the Bombay Port Trust for doing Caisson work at the rate of Rs. 6 per month per head. Taking this fact into consideration, I am of the view that the amount of special pay claimed by Shri Shetty at the rate of Rs. 15 per month per head for the employees in question, appears to be excessive.

76. Considering the nature of work done by the employees in question and the Caisson work done by other employees, I am of the view that special pay or special allowance should be paid to the employees in question for their sea work in connection with repairs and maintenance of Lighthouses, Lightships, Beacons and Buoys in the Harbour at the rate of Rs. 6 per month per head inclusive of the allowance of Rs. 2 which some of the Lascars are getting as per the Award of Shri Meher, in reference Nos. 1 of 1963, 3 of 1963 and 1 of 1964. It virtually means that the Lascars who are getting Rs. 2 as special pay or allowance per month as per the Award of Shri Meher, will cease to get this allowance from the date they will start getting the special allowance for the sea work. I, therefore, hold that the special allowance or special pay be allowed to the employees in question at the rate of Rs. 6 per month per head. Hence my finding on Point No. ii is as above.

Point Nos. iii and iv.

77. Shri S. K. Shetty, General Secretary of the Union contends that the special pay be given to the workmen with retrospective effect from 1st October, 1957 i.e., the date of the implementation of Classification and Categorisation Committees's Report.

78. The employees in question have not produced any convincing documentary or oral evidence to show that they were demanding the special allowance or special pay from a particular date prior to 1st October, 1957. It however,

appears from the Assistant Secretary, Bombay Port Trust's letter addressed to the General Secretary, B.P.T. Employees' Union, Bombay, dated 22nd November, 1968, produced at Ex. 10 W that this Union had written a letter to the Bombay Port Trust suggesting the draft terms of reference on 18th October, 1968. It appears to me that this dispute must have been raised in 1968 or there about. I, therefore, see no justification for allowing special pay or allowance for the employees with retrospective effect from 1st October, 1957.

79. In my opinion, ends of justice will meet if the special pay or allowance is allowed to the employees in question at the rate of Rs. 6 per month per head with effect from the date of reference i.e., 7th April, 1969. Hence my findings on Point Nos. iii and iv are as above.

Point No. v:

80. In the end I pass the following order:—

ORDER

- i. It is hereby declared that the Lascars, Jolly Boat Tindals and Splicemen attached to the Shore Unit of the Bombay Port Trust Workshop are justified in claiming monetary relief (i.e., Special pay of special allowance) for the work in connection with the repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour, at the rate of Rs. 6 per month per head with effect from 7th April, 1969, inclusive of the special allowance or miscellaneous allowance of Rs. 2 per month allowed by Shri Meher to some of the Lascars as per Award in reference Nos. 1 of 1963, 3 of 1963 and 1 of 1964.
- ii. The Bombay Port Trust is directed to pay Rs. 6 per month to each of the employees i.e., Lascars, Jolly Boat Tindals and Splicemen of the Shore Unit of the Bombay Port Trust Workshop, for their work in connection with repairs and maintenance of Lighthouses, Lightships, Buoys and Beacons in the Harbour with effect from 7th April, 1969. If any of the employee in question (Lascars, Jolly Boat Tindals, and Splicemen of the Shore Unit of the Bombay Port Trust Workshop) is getting Rs. 2 per month as special pay or miscellaneous allowance as per the Award of Shri Meher, he will cease to get the same from the date i.e., 7th April, 1969.

iii). Award is made accordingly.

iv. No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Govt. Industrial Tribunal No. 2,
Bombay.

6-5-1970.
[No. 28/5/69-LWI.III/P&D.]

New Delhi, the 30th May 1970

S.O. 2114.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Messrs Eastern Shipping Services, Calcutta and their workmen, which was received by the Central Government on the 26th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 2 OF 1970

PRESENT:

Employers in relation to the management of M/s. Eastern Shipping Services,
Calcutta,

AND

Their workmen.

PRESENT:

Mr B. N. Banerjee, Presiding Officer.

APPEARANCES:

Shri N. C. Ghosh, Partner along with Shri Nazir Ahmed Khan, Manager.—

On behalf of Management—Sri P. Sen, General Secretary, Dock Mazdoor Union (Retired on permission)—*On behalf of Workmen*.

STATE: West Bengal.

INDUSTRY: Port and Dock.

AWARD

By Order No. 28/81/69-Fac. II, dated January, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Messrs Eastern Shipping Services, Calcutta, and their workmen, to this Tribunal, for adjudication, namely:

"Whether the dismissal of Shri Nasiruddin Khan, Watchman by the management of Messrs Eastern Shipping Services, Calcutta, with effect from 2nd August, 1969 was justified?

If not, to what relief is the workman entitled?"

2. The workman did not file any written statement, nor did he take any interest in the proceedings at all. On the date fixed for peremptory hearing, Mr. P. Sen, General Secretary, Dock Mazdoor Union, appeared on behalf of the workman and filed a petition therein stating as follows:

"That I being unable to trace the workman, am not in a position to defend the suit. And thus pray for an ex-parte award."

He verbally submitted that he had searched for the workman but could not trace him. In these circumstances, he said, he was unable to file any written statement and was not in a position to conduct the case on behalf of the workman. I allowed him to retire from the case.

3. The management filed a written statement. The short case against the workman may be summarised in the following language. The workman was employed under the Eastern Shipping Service and there was a Dock permit, bearing No. 66088, issued in his favour. He was caught red-handed with two bottles of lime juice in his possession, at No. 4 Calcutta Port Commissioners Gate, during the early hours of July 23, 1969 when M. V. Biswa Suman sailed. He was arrested and a case "under Section 52/111/PBL" was instituted against him. Thereupon, he was suspended from service by his employers and was called upon to surrender his Dock permit immediately. He was also called upon to submit his explanation within 4 days of receipts of the chargesheet (*vide* Ex. 2). The workman wrote back to the management in the following language (*vide* Ex. 3):

"Ref: Your letter of dated 29th July, 1969 Charge sheet and order of suspension.

With ref. to above I have the honour to draw your kind attention to the following few lines for your sympathetic consideration and favourable order.

That after completing duty on M. V. Visha Suman I was offered Lime juice from the above ship as symbol of satisfaction and while we were passing the gate No. 4 C.P.C. at early hours of 23rd July, 1969 there was altercation with the Police on duty, who instituted said petty case against me only to harass me, at the court I was fined and released being a petty case.

That I am a very poor man and a family depends upon me in this crisis day.

Under the circumstances, I pray to kindly consider my case cordially as I had no fault at all and kindly allow me to perform my duty as usual and for which act of your kindness I shall remain ever grateful to you."

It appears from Ex. 5 a letter addressed by the Assistant Superintendent of Permit, Calcutta Port Commissioners to Eastern Shipping Service, that on the very day of his arrest the workman was convicted to pay of fine of Rs. 30/- in default 15 days rigorous imprisonment. He was also permanently blacklisted in the records of the Port Commissioners. Thereupon, the employers wrote the following letter to the workman (*vide* Ex. 4):

"It transpires that you had been found guilty under a criminal charge and fined Rs. 30/- (thirty). You also admit your said guilt in your above petition.

Your immediate dismissal is, therefore, warranted under the Rules. As such, your services are dispensed with.

Please surrender your Dock Permit No. 66088 atonce which you should have done on receipt of this office Chargesheet-cum-Order of Suspension dated 29th July, 1969. Failure to do so would amount to criminality on your part, which please note."

I am not concerned with the Exhibit, relating to issue of a new Dock permit to the workman which were filed in this case.

3. Here is a case where a workman was dismissed by his employer, on conviction by a Court of law, for an offence involving moral turpitude, independent of and unconnected with his duty. Nazir Ahmed Khan, the Manager, who was examined by the management, frankly admitted that the two bottles of lime juice, which were recovered from the possession of the workman, did not belong to the Eastern Shipping Service. Now, several questions come up for my consideration. The first question is, in the circumstances such as appear in the present reference, could there be a departmental enquiry started when the criminality of the workman was sub-judice before a criminal court. This question may be very shortly answered. The decision of a Criminal Court does not operate as *res judicata*, on the question of dismissal of a workman for misconduct. The conduct of a workman may not amount to an offence under the Indian Penal Code or under any other Penal provision of law but may amount to misconduct sufficiently deserving disciplinary action. Therefore, I do not find that the employers were in any way blameworthy in starting the disciplinary action simultaneously with the starting of the criminal case. The next question for my consideration is whether the disciplinary action was properly initiated. Ex. 2, which is said to be the chargesheet, is somewhat strangely worded. I set out hereinbelow the relevant portion from that document:

"It is reported and confirmed that you were caught red-handed with two bottles of lime Juice in your possession at No. 4 C.P.C. Gate during the early hours of 23rd July, 1969 when MY "VISHVA SUMAN" sailed. You were subsequently arrested and a case U/s. 52/111 P.B.L. has been instituted against you *vide* S.P.P.S. Case No. 981 dated 23rd July, 1969.

You are, therefore, placed under suspension with immediate effect.....
Please submit your written explanation in this regard within 4 days after receipt of this letter." (Underlined by me for emphasis).

In spite of the strangeness of the language, the workman understood that he was being charged with the misconduct of being in illegal possession of two bottles of lime juice and submitted his explanation which I have quoted hereinbefore. I do not, therefore, hold that there was such an inherent defect in the initiation of the disciplinary action as would condemn the disciplinary action taken against the workman without more. The remaining question for my consideration is whether the penal action of dismissal could be taken against the workman without an enquiry, which admittedly was not held in the instant case. The judgment of the criminal court is not before me. I do not know what the findings were against the workman. The workman has his own version as to how he came to possess the two bottles of lime juice. A criminal court, nevertheless, convicted him for illegal possession or removal of two bottles of lime juice. Ex. 3 contains enough confession by the workman of his culpability and this renders a formal enquiry superfluous. The workman has been black-listed by the Port Commissioners and may no longer be employed by the management inside the Port. The workman does not appear before me to show any justification of his conduct. In the circumstances of the case I am unable to find any inherent lacuna in the dismissal of the workman.

5. I therefore hold that the dismissal of Sri Nasiruddin Khan, Watchman by the management of Messrs Eastern Shipping Services, Calcutta, with effect from August 2, 1969, was justified and the workman is not entitled to any relief.

This is my award.

(Sd.) B. N. BANERJEE,

Presiding Officer.

Dated. Mau 16, 1970.

[No. 23/81/69-Fac.II/P&D.]

S.O. 2115.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Master Stevedores' Association and Calcutta Stevedores' Association, Calcutta, and their workmen, which was received by the Central Government on the 26th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 104 of 1969

PARTIES :

Employers in relation to the (i) Master Stevedores' Association, and (ii) Calcutta Stevedores' Association, Calcutta,

AND

Their Workmen

PRESENT :

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Sri S. S. Aiyar, Secretary.

On behalf of workmen—Sri Janaki Mukherjee, General Secretary and Sri M. Ghosh, Secretary of National Union of Waterfront Workers.

Sri W. A. Azad, Joint Secretary, Calcutta, Dock Workers Union.

STATE: West Bengal.

INDUSTRY: Dock.

AWARD

By Order No. 28/67/68-LR. III, dated June 5, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the (i) Master Stevedores' Association and (ii) Calcutta Stevedores' Association, and their workmen represented by the National Union of Waterfront Workers and the Calcutta Dock Workers Union to this Tribunal, for adjudication, namely:—

“(1) Whether the demand of the unions for uniform rates of wages including interim recommendations of the Central Wage Board for Port and Dock Workers, in respect of the following categories of workmen is justified?

If so, to what rate of minimum wages they are entitled and from what date?

(i) Cleaning Gang Workers;

(ii) Markmen;

(iii) Carpenters; and

(iv) Riggers;

(v) Gunnymen; and

(vi) Gearmen;

(2) Whether Riggers, Cleaning Gang Workers, Markmen and Carpenters, Gunnymen and Gearmen are entitled to bonus under the Payment of Bonus Act,

and if so, from what date and at what rates?”

2. The workers' unions filed their respective written statement. So also did the Calcutta Masters Stevedores' Association. It was reported to me that the two employers' associations are now merged into one association known as the Calcutta Master Stevedores' Association.

3. The case came up for peremptory hearing before this Tribunal on April 17, 1970. On that date item No. 1 in the Schedule to the order of Reference was amicably settled between the parties and in token of the settlement a petition of settlement was filed before the Tribunal praying for an award in terms of the settlement. I recorded the settlement and made an award, in respect of that item, in terms of the settlement on that day. The petition of settlement is made Annexure “A” to this award. The case was thereupon adjourned to May 13, 1970.

4. I am glad to state that the second item of the order of Reference has also been settled this day and a joint petition of settlement recording the terms therein have

been put in before this Tribunal praying for an award in terms of the settlement. I record the terms of settlement and make an award also in terms thereof. Let the second petition of settlement be marked Annexure "B" to this award.

(Sd.) B. N. BANERJEE,

Presiding Officer.

Dated, May 18, 1970.

ANNEXURE "A"

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Before the Presiding Officer

In the matter of an Industrial dispute between the Employers in relation to Calcutta Master Stevedores Association.

(Hereinafter referred to Association)

AND

Their Workmen Represented by

1. National Union of Waterfront Workers and
2. Calcutta Dock Worker's Union

AND

In the matter of Government of India, Department of Labour and Employment order under reference No. SO 2316. 28/67/68 LR III, dated New Delhi the 4th June 1969.

Joint petition of the parties most respectfully sheweth.

1. That the Government of India has referred the following disputes to the Learned Tribunal for adjudication.

(1) Whether the demand of the Unions for uniform rates of wages including interim recommendations of the Central Wage Board for Port and Dock Workers in respect of the following categories of workmen is justified.

If so to what rate of minimum wages they are entitled and from what date:

- (i) Cleaning Gang Workers.
- (ii) Markmen.
- (iii) Carpenters.
- (iv) Riggers.
- (v) Gunnymen and
- (vi) Gearmen.

(2) Whether Riggers, Cleaning gang workers, markmen, Carpenters and Gunnymen and Gearmen are entitled to bonus under the payment of Bonus Act and if so from what date and at what rates?

2. That the Association and the Unions have arrived at a settlement on the 16th August 1969 as per copy attached hereto, on the issue of uniform rates of wages including all allowances for the workers mentioned in item No. 1 and the terms of reference to the Learned Tribunal.

3. That it is agreed that by virtue of this agreement about issue No. 1 regarding uniform rates of wages for workers belonging to the categories referred to in item No. 1 of the terms of reference before the Learned Tribunal—Vide Reference No. S.O. 2316-28/67/68 LR III, New Delhi dated the 4th June 1969 of the Government of India Department of Labour and Employment is mutually settled out of the Court and that the parties shall file a Joint petition to the Tribunal for accepting the settlement as its award over the issue of uniform rates of wages which include all allowance. It is further agreed that the issue number 2 with regard to Entitlement and payment of Bonus under the Bonus Act, employers have agreed to make an *ad hoc* payment as per agreement enclosed and the Employers have agreed to accept the *ad hoc* payment subject to adjustment against their demand, determination of the reasonable percentage thereto shall be left to the Honourable Tribunal.

4. That issue No. 1 has been settled out of Court and issue No. 2 relating to the determination of reasonable percentage of bonus only remains pending for adjudication by this Learned Tribunal.

In the circumstances, it is prayed that the Learned Tribunal may be pleased to accept that settlement as its award over issue No. 1 and issue No. 2 may be adjudicated only relating to the determination of reasonable percentage of bonus and for this act of kindness your petitioners as in duly bound shall ever pray.

For Workers Represented by their Unions.

For Calcutta Master Stevedores Association.
authorised representatives.

Sd/- S. S. AIYAR.

Sd/- WAHID ALI AZAD.

Calcutta Dock Workers Union.

Sd/- JANAKI MUKHERJEE,

National Union of Waterfront Workers.

Witness.

Memorandum of Settlement between the Employers in relation to Calcutta Master Stevedores Association represented by their Association and their Casual Workers belonging to the categories of (i) Cleaning gang (ii) Markmen (iii) Carpenters (iv) Gunnymen and (v) Gearmen represented by their Unions, (1) Calcutta Dock Workers Union and (2) National Union of Waterfront Workers.

Employers related to Calcutta
Master Stevedores Association
Represented by:
(Sd) S. S. AIYAR.

Workers Represented by their Unions:
(Sd) W. A. AZAD.
Calcutta Dock Workers Union.
(Sd.) J. MUKHERJEE,
National Union of Waterfront Workers.

Short recital of the Case

The Members of the Calcutta Master Stevedores Association represented by their Association, Calcutta Master Stevedores Association, and their Casual Workers belonging to the Categories of (i) Cleaning Gang. (ii) Markmen. (iii) Carpenters. (iv) Gunnymen. (v) Gearhandlingmen represented by their respective Unions, Calcutta Dock Workers Union and National Union of Waterfront Workers have jointly applied to the Central Government for reference of an industrial dispute that exists between them to the Central Government Industrial Tribunal in respect of the matters set forth in the said application reproduced below:

(1) Whether the demand of the Unions for uniform rates of wages including interim recommendations of the Central Wage Board for Port and Dock Workers. in respect of the following categories of workmen is justified?

If so, to what rate of minimum wages they are entitled and from what date?

- (i) Cleaning Gang Workers;
- (ii) Markmen;
- (iii) Carpenters;
- (iv) Riggers;
- (v) Gunnymen; and
- (vi) Gearmen;

(2) Whether Riggers, Cleaning Gang Workers, Markmen and Carpenters, Gunnymen and Gearmen are entitled to bonus under the Payment of Bonus Act, and if so, from what date and at what rates?

The Government of India, Department of Labour and Employment, vide its order SO 2316 No. 28/87/68-LR III, New Delhi, dated 4th June 1969 had referred the issues to the Central Government Industrial Tribunal (Calcutta), for adjudication.

Meanwhile, several bi-partite meetings have been held and finally in a meeting held at the premises of the Bengal National Chamber of Commerce and Industry (P-11, Mission Row Extension, Calcutta-1) on Saturday the 16th August 1969, and the following agreement has been arrived at:

It is agreed that by virtue of this agreement issue No. 1 regarding uniform rates of wages for the following categories of workers i.e. (i) Cleaners (ii) Markmen (iii) Carpenters (iv) Gunnymen and (v) Gear handlingmen before the Central Government Industrial Tribunal, Calcutta, vide reference S.O. 2316-28/67/68-LR III, New Delhi, dated the 4th June 1969 of the Government of India Ministry of Labour and Employment, is mutually settled out of Court and the parties shall file petition to the Learned Tribunal for acceptance of this settlement as its Award over the issue of uniform wages which is Rs. 5.60 for day shift and Rs. 5.85 for night shift all inclusive.

It is further agreed that Issue No. 2 with regard to entitlement and payment of bonus, pending before the Learned Tribunal under the same reference number noted above shall remain pending before the Tribunal for determination of reasonable percentage only as because the Employers have agreed to make an ad hoc payment of Rs. 100 to all workers of the Categories mentioned in the Agreement, whose names have been scrutinised by the Scrutiny Sub-Committee.

It is agreed that the settlement relating to uniform wage will come into force from the 16th August 1969, and that this agreement shall remain in operation till the Award of the Wage Board is published and will continue to be binding on the parties unless it is terminated by either of the parties by giving one month's notice in writing under the provisions of the Industrial Disputes Act.

It is also agreed that the ad hoc payment of Rs. 100/- relating to bonus made by the Employers last year and the ad hoc payment of Rs. 100/- made this year shall be adjusted against the total quantum of bonus payable to the workers of the above noted categories for the periods of demand submitted by the Unions.

This agreement detailed herein supercedes all previous agreements.

Signature of the Representatives of the
Workers Unions.

Signature of the Representative of the
Calcutta Master Stevedores Association.

Sd/- S. S. AIYAR.

Sd/- WAHID ALI AZAD
Calcutta Dock Workers Union.

JANAKI MUKHERJEE
National Union of Waterfront Workers.

(Sd.) Illegible
President.

Calcutta Master Stevedores Association.

ANNEXURE "B"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, CALCUTTA.

In the matter of an Industrial Dispute

BETWEEN

Employees in relation to Calcutta Master Stevedores Association
(Hereinafter referred to as "Association")

AND

The workmen represented by

- (1) National Union of Waterfront Workers, and
- (2) Calcutta Dock Workers Union

AND

In the matter of Government of India, Department of Labour and Employment
order under reference No. S.O. 2316-28/67/68-LR III, dated New Delhi, the
4th June, 1969.

The joint petition of the parties most respectfully sheweth

1. That the Government of India had referred the following disputes to the Learned Tribunal for adjudication:—

- (a) Whether the demand of the Unions for uniform rates of wages including interim recommendations of the Central Wage Board for Port and Dock Workers in respect of the following categories of workmen is justified?

If so, to what rate of minimum wages they are entitled and from what date?

- (i) Cleaning Gang Workers,
- (ii) Markmen,
- (iii) Carpenters,
- (iv) Riggers,
- (v) Gunnymen, and
- (vi) Gearmen.

- (b) Whether riggers, cleaning gang workers, markmen, carpenters, gunnymen and gearmen are entitled to bonus under the Payment of Bonus Act and if so, from what date and at what rates?

2. That the Associations and the Unions have arrived at a settlement on the 16th August, 1969, on the issue of uniform rates of wages including all allowances for the workers mentioned in item 1 of the Terms of Reference to the Learned Tribunal.

3. That by virtue of this settlement a joint petition to be Learned Tribunal for accepting the settlement as its Award over the issue of uniform rates of wages which include all allowances was submitted to the Learned Tribunal on the 17th of April 1970 and had been accepted by the Tribunal.

4. That the Association and the Unions have arrived at an agreement on 10th May 1970 on the second issue of payment of bonus mentioned in item 2 of the Terms of Reference to the Learned Tribunal.

5. That in terms of the agreement dated 10th May 1970, this joint petition is submitted to the Learned Tribunal for its acceptance and award.

6. That in view of the submission of the joint petition on 17th April, 1970 and the joint petition now submitted, the Learned Tribunal may be pleased to treat the disputes referred to for adjudication in Government of India Department of Labour and Employment Order No. S.O. 2316-28/67/68-LR III, dated the 4th June 1969 as having been resolved and mutually settled as shown in the settlements submitted and award accordingly.

Dated, the May, 1970

1. For National Union of Waterfront Workers:

(Sd.) Illegible

Secretary .

For Calcutta Master Stevedores Association.

(Sd.) Illegible

2. For Calcutta Dock Workers Union

(Sd.) WAHID ALI AZAD,
Joint Secretary.

President.

Witness:

- 1. (Sd.) Illegible
- 2. (Sd.) Illegible

Agreement dated the 10th day of May 1970 between the Calcutta Master Stevedores' Association and the (i) National Union of Waterfront Workers, (ii) Calcutta Dock Workers Union (iii) West Bengal Dock Mazdoor Union of 33, Hemchandra Street, Calcutta-23 and (iv) Dock Sramik Association.

The following are the terms of the Agreement reached between the parties mentioned above in regard to the payment of bonus to unregistered/unlisted workers of the categories specified below:—

- (1) Cleaning Gang Workers,
- (2) Markmen,
- (3) Gunnymen,

(3) Carpenters,

(5) Gearmen,

(6) Riggers,

(7) Tindals of the categories mentioned from 1 to 6.

1. It is hereby mutually agreed that the amount of bonus payable for each of the years from 1964/65 to 1968/69 (5 years) to each worker of the categories specified above will be at the rate of Rs. 80 per year per worker. Tindals of the categories mentioned above will receive at the rate of Rs. 100 each per year for each of the five years from 1964/65 to 1968/69.

2. The amount of bonus specified in (i) above will be paid only to those workers of the categories mentioned above who are receiving rotational booking from member Stevedores as on the date of this agreement.

3. Member-Stevedores shall deduct the following advances made to each of the workers of the categories mentioned above:—

(a) Ad hoc advance of Rs. 100 paid to each worker in September/October, 1968.

(b) Second payment of ad hoc advance of Rs. 100 paid to each worker in September/October, 1969.

(c) Festival advance towards Id at Rs. 75 per worker paid (not recovered so far pending settlement of bonus in November/December, 1969).

(d) Ad hoc advance of Rs. 75 paid to each worker in February, 1970.

4. After adjustment of the advance specified in (3) above each of the categories mentioned above would become eligible to receive Rs. 50.00 towards balance of bonus and this amount of Rs. 50.00 would be paid in full and final settlement of all demands on account of bonus for each of the years from 1964/65 to 1968/69. Tindals of the categories would be paid Rs. 75.00.

5. Riggers and Rigger Tindals who were registered under the Dock Labour Board in June 1969 and who did not receive the Festival advance of Rs. 75/- from the Stevedores would be eligible to receive towards balance of bonus Rs. 125/- and Rs. 150/- respectively and these amounts shall be paid in full and final settlement of all demands for bonus for the years from 1964/65 to 1968/69.

6. The amounts due as per Clause 5 above will be paid by Member-Stevedores to each of the such workers who are receiving rotational booking from them as on 1st May 1970 by 7th July 1970.

7. This Agreement shall form part of the settlement reached between the parties referred to in Ref. No. 104 of 1969 now under adjudication before the Central Government Industrial Tribunal, Calcutta. The terms of settlement as above shall be recorded in its proper form and shall be submitted jointly by the Calcutta Master Stevedores Association and the National Union of Waterfront Workers and the Calcutta Dock Workers Union to the President Officer, Central Government Industrial Tribunal, Calcutta for issuing necessary orders in Ref. No. 104 of 1969 before the Presiding Officer.

For and on behalf of:—

1. National Union of Waterfront Workers.

For and on behalf of the Calcutta Master Stevedores Association.

(Sd.) ILLEGIBLE,
Secretary

2. D. A. Azad,

Joint Secretary
Calcutta Dock Workers' Union.

(Sd.) ILLEGIBLE,
President.

[No. 28/67/68-LR.III/P & D]

New Delhi, the 6th June 1970

S.O. 2116.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri T. K. Parameswaran Nambiar, Chairman, Madras Port Trust as Chairman and Member of the Madras Dock Labour Board with retrospective effect from the 17th April, 1970 vice Shri

A. Venkatesan, granted leave, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 3475 dated the 23rd September, 1968, namely:—

In the said notification, for the words "Shri A. Venkatesan" in both places where they occur, the words "Shri T. K. Parmeswaran Nambiar" shall be substituted.

[No. 54/5/69-Fac. II.]

C. RAMDAS, Dy. Secy.

(श्रम और रोजगार विभाग)

नई दिल्ली, 5 जून, 1970

क्र० आ० 2116.—डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5 क की उपधाराओं (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्द्वारा श्री टी० के० परमेश्वरन नम्बियार, अध्यक्ष, मद्रास पोर्ट ट्रस्ट, को श्री ए० वेंकटेशन, जिन्हें छुट्टी मंजूर की गई है, के स्थान पर 17 अप्रैल 1970 से भूतलक्षी प्रभाव से, मद्रास डॉक श्रम बोर्ड के अध्यक्ष और सदस्य के रूप में नियुक्त करती है और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) को अधिसूचना सं० 3475 तारीख 23 सितम्बर, 1968 में और आगे निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "श्री ए० वेंकटेशन" शब्दों के, उन दोनों स्थानों में जहाँ वे आते हैं, स्थान पर "श्री टी० के० परमेश्वरन नम्बियार" शब्द प्रतिस्थापित किए जाएंगे।

[सं० 54/5/69-फक II.]

सी० रामदास, उपसचिव।

(Department of Labour and Employment)

New Delhi, the 1st June 1970

S.O. 2117.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Allahabad in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 25th May, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
ALLAHABAD

ADJUDICATION CASE NO. 1 OF 1970

PARTIES:

Employers in relation to Punjab National Bank.

AND

their workmen.

PRESENT:

Shri K. P. Gupta, Presiding Officer

APPEARANCES:

For the employers.—Shri Ishyar Singh Ahluwalia.

For the workmen.—Shri Har Mangal Prasad.

INDUSTRY : Bank.

STATE : Uttar Pradesh.

New Delhi, the 14th May 1970

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment, have by their order No. 23/76/69-L.R.III dated 31st December, 1969 referred for adjudication to this Tribunal an industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen in respect of the matter specified in the following schedule to the said order:—

SCHEDULE

"Whether the action of the Management of the Punjab National Bank in terminating the services of Shri R. P. Misra, Cashier-cum-Clerk with effect from the 24th April, 1969 was justified? If not, to what relief is he entitled?"

Both the parties have put in appearance and filed their statements of demands and also their re-joinders. The case of the workmen briefly stated is that the employers' Bank appointed the workman concerned as Clerk-cum-Cashier at Ghazipur Branch with effect from 29th July, 1968, on six months probation. On 7th December, 1968, while the workman concerned was taking cash of Rs. 45,000 for deposit in the State Bank of India, Ghazipur in a Riksha alongwith a Guard, he was robbed and the cash was looted at pistol point after inflicting some Lathi blows upon the Guard. He took the injured Guard to the Hospital and lodged the F.I.R. with the Police and also informed the details of the robbery to the Bank authorities. It is further alleged that the Bank had not provided the Guard with a gun and the Cash Box had only a dog chain, which could not be tied with the Riksha and locked as no lock was provided. The Bank authorities suspended the workman concerned and charge-sheeted him for being grossly negligent in not taking proper safe-guard and pending investigation of the case, he was suspended and probationary period was extended for another 3 months. The employers' bank could extend the period of probation only to give an opportunity to an employee to improve his work and not for any other reason. Later on, the employers' bank terminated the services of the workman concerned after paying one month's pay and allowances in lieu of notice on the ground that his work and conduct were not found satisfactory. The action of the employers' bank was quite illegal. The employers' bank had never given him any chargesheet nor gave any opportunity to explain his conduct and no domestic enquiry was held.

On the other hand, the employers' bank has contended that on the evening of 6th December, 1968, the Officer Incharge of the Pay Office, Ghazipur had told the Cashier Incharge in the presence of the workman concerned that surplus amount should be deposited in the State Bank of India next morning. Accordingly on 7th December, 1968, at about 10 A.M. the workman concerned was deputed to deposit cash amounting to Rs. 45,000 in the local State Bank of India. The cash was kept in Cash Box, which was locked and it was kept in a Riksha and Sri Nath Yadav, Guard armed with Spear had accompanied the workman concerned. After some minutes, the Officer Incharge was informed by a peon of Allahabad Bank that the Guard had been beaten and the Cash Box had been looted away. So the officer Incharge rushed to the spot and informed the District Magistrate and Superintendent of Police and a F.I.R. was lodged by the workman concerned. The employer have further contended that the chain of the Cash Box had not been locked with the Riksha and the workman concerned had run away from the Riksha as soon as the Guard received first lathi blow. According to the prescribed procedure, locked box containing cash is required to be firmly attached to the conveyance in which it is carried by means of a thick chain secured by a pad-lock. But the workman concerned wilfully disregarded the above procedural instructions and thereby exposed the bank cash to grave risk. He was, therefore, placed under suspension and his probationary period had to be extended by 3 months awaiting completion of Police Investigation. The work and conduct of the workman concerned as stated above was found to be quite unsatisfactory and his retention in service was considered risky and so his services were terminated on 24th April, 1969, on payment of one month's pay and allowances in lieu of notice. Under the above circumstances, the action of the bank was fully justified. The above pleadings of the parties, gave rise to no additional issue.

Finding

It is the common case of the parties that on 7th December, 1968, S^r R. P. Misra, Cashier-cum-Clerk (on Probation) was taking cash amounting to Rs. 45,000 in a locked Cash-box for deposit in the local State Bank of India by Riksha and Sri Shree Nath Yadav, Guard, who was armed with a Spear, had accompanied him but in the way near Allahabad Bank the Cash box had been looted away by some robbers after injuring the Guard by inflicting some lathi blows. A.F.I.R. had been lodged by Sri R. P. Misra, workman concerned at the Police Station. According to the case of the employers, cash should be carried in a strong steel Cash box of standard make 2 x 1' x 10" size with firm hinges and a strong latch to bear the weight of heavy godown lock and the Cash box should be locked and firmly attached to the conveyance in which it is carried by means of thick chain secured by a padlock. An armed guard also much accompany the Cashier and a record must be kept of the number of conveyance before it leaves the branch. These instructions are contained in the Book of Instructions of the Bank and the same has been shown to me at the time of argument. Sri Kailash Nath Mehrotra, who is Officer Incharge of Ghazipur Branch Pay Office, has also referred to the above instructions in his statement on oath and has further stated that he had explained these instructions to Sri Misra when he had first taken the cash to the local State Bank of India for deposit and had supplied him two locks also. But in cross examination, he has admitted that a dog chain had been fitted in the Cash Box as the thick chain was not locally available and the Guard was provided a spear as no fire-arms were available with the Bank at that time.

The employers have also produced Sri Shree Nath Yadav, Guard, E.W.-3, who had accompanied Sri R. P. Misra. He has deposed that a thin chain was fixed with the Cash box and no Pad-lock could be put for fastening the box with the Riksha as there was only one ring, which had been fixed with the box and there was no ring at the other end of the chain for putting padlock. He has further stated that the chain was made for the use of dog. Sri R. P. Misra was appointed Clerk-cum-Cashier (on probation) from 29th July, 1966, and he started taking the cash in the cash box for deposit from the very next month. He has stated that the instructions regarding carryings of the Cash box were not explained to him by Sri Mehrotra and he also did care to point out the defect of the chain regarding locking arrangement to Sri Mehrotra, although he did not submit any report about the defect. It clearly goes to show that Sri R. P. Misra must have come to know through some source that the Cash box must be fastened with the conveyance by the chain and a pad-lock should be put. He has further deposed in cross examination that he would have surely put a pad-lock in the chain after fastening it with the Riksha. Had there been some locking arrangement in the chain. Thus there remains not a shadow of doubt in my mind that Sri R. P. Misra knew full-well that the steel Cash box should be fastened and locked with the conveyance in which it is being carried by putting a pad-lock. No doubt, in the instant case, it is also fully establish from the evidence of Sri Shree Nath Yadav, Guard, E.W.-3 that there was no locking arrangement at the other end of the chain, which was a thin chain used for fastening a dog. Such a chain usually has no arrangement for putting a lock.

The main contention of Sri R. P. Misra is that as there was no locking arrangement in the chain, he could not fasten the Cash box with the Riksha by a pad-lock and as such he could not be said to be negligent in the discharge of his duties. No doubt, Sri Mehrotra should have purchased a thick chain and not a thin chain generally used for dogs and should have seen that there was proper arrangement for locking the chain after fastening it with the conveyance. But any mistake on the part of Sri Mehrotra can not exonerate Sri R. P. Misra for non-compliance of the instructions regarding carrying of the Cash box from one place to other. He should have reported the defect of the chain to Sri Mehrotra on the first day when he found that no pad-lock could be put in the chain after fastening it with the Riksha or any other conveyance. He continued to carry the Cash box from the Pay office to the State Bank of India without fastening the Cash Box with the conveyance by putting padlock in the chain. Sri Mehrotra has deposed on oath that two pad-locks had been given to Sri Misra on the very first occasion he had taken the Cash box. His statement has not been rebutted by Sri R. P. Misra. On the other hand, he had deposed that he would have surely put a pad lock in the chain after fastening it with the Riksha if there had been locking arrangement in the chain. This goes to show that Sri Misra was in possession of some pad-locks for such use. It is the primary duty of the person carrying the Cash box to comply with the instructions contain in the Book

of Instructions and if a Cash box is carried without complying with those instructions, the person carrying the cash box must be held responsible if any mishap takes place in the way. Sri Misra should have insisted to get a thick chain fixed with the Cash Box and also to have locking arrangement for fastening it with the conveyance in which it was to be carried. Had the instructions contained in the Book of Instructions regarding carrying of the Cash box would have been strictly complied with in the instant case, it could not have been so easy for the robbers to take away the box in no time. They had to make no efforts to break any lock and had just ran away with the Cash box after lifting it from the Riksha as the chain had not been fastened with the conveyance and locked. No doubt, the conduct of Sri Mehrotra in getting a dog chain fixed with the Cash Box can not escape criticism. But it was primary duty of Sri Misra to insist for locking arrangement in the chain and he should not carry a huge sum of Rs. 45,000 in a Cash box, which had only dog chain and no locking arrangement at the other end. Thus after giving my thoughtful consideration to the entire evidence produced before me, I am fully convinced that Sri R. P. Misra, workman concerned, was certainly negligent in the discharge of his duty in carrying the Cash box from the Pay office to the State Bank of India and he can not throw the whole blame upon Sri Menrotra for getting a light dog chain attached to the Cash Box, which could not be fastened with the Riksha and locked with a paid-lock. The workman concerned was on probation and had not completed probationary period when such a heavy loss has been caused to the employer bank. The employers took a lenient view and simply terminated his services on the ground that his work and conduct had been unsatisfactory. The action of the management in terminating the services of Sri Misra with effect from 24th April, 1969, was perfectly justified in the circumstances of the case and the workman concerned is entitled to no relief. The main issue is decided accordingly.

In view of the above, my award is that the action of the management of Punjab National Bank in terminating the services of Sri R. P. Misra, Cashier-cum-Clerk, with effect from 24th April, 1969 was justified and as such no relief is granted to the workman concerned. In the circumstances, I make no order as to costs.

K. P. GUPTA,
Presiding Officer.
14-5-1970.

[No. 23/76/69/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 1st June 1970

S.O. 2118.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Siranjeevi Vilas Transports Private Limited, No. 10, Municipal Office Road, Puthur, Trichy-17, have agreed that the provisions of the 'Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1969.

[No. 8/41/70-PF.II.]

(श्रम और रोजगार विभाग)

ई दिल्ली, 1 जून 1970

क्र० प्र० 2118.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सैमर्स सिरंजीवी विलास ट्रांसपोर्ट प्राइवेट लिमिटेड, सं० 10 म्यूनिसिपल ऑफिस रोड, पुथुर, त्रिची-17 नामक स्थापन से सम्ब

नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/41/70-पी० एफ० 2]

S.O. 2119.—In exercise of the powers conferred by sub-section (2) of section 16 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby exempts for a further period of five years from the 1st January, 1967 to the 31st December, 1971 from the provisions of the said Act, such class of establishments as are factories in the Lac including Shellac industry, as were covered by the said Act by the notification of the Government of India in the Ministry of Labour and Employment No. S.R.O. 2026, dated the 3rd September, 1956.

[No. 11(1A)68-PF.II.]

का० प्रा० 2119—कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) की धारा 16 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा ऐसे स्थापन वर्गों को जो लाख जिसके अन्तर्गत बपड़ा है उद्योग में ऐसे कारखाने हैं जो भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० नि० प्रा० 2026 तारीख 3 सितम्बर 1956 द्वारा उक्त अधिनियम के उपबंधों के अन्तर्गत आते हैं, 1 जनवरी 1967 से 31 दिसम्बर 1971 तक की पांच वर्ष की और कालावधि के लिये उक्त अधिनियम के उपबंधों से एतद्वारा छूट देती है।

[संख्या 11(1ए)/68-पी० एफ०/2]

S.O. 2120.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Swifts Private Limited, Marathe Udyog Bhavan, New Prabhadevi Road, Bombay-25 DD, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

The notification shall be deemed to have come into force on the thirty-first day of August, 1969.

[No. 8/83/70-PF.II.]

का० प्रा० 2120.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स स्विफ्ट्स प्राइवेट लिमिटेड मराठे उद्योग भवन नई प्रभादेवी रोड मुंबई-25 डी डी नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के अगस्त के इकत्तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/83/70-पी० एफ० 2]

S.O. 2121.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as District Sports Council, South Arcot, Cuddalore-1, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1969.

[No. 8/32/70-PF.II.]

क० आ० 2121.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि डिस्ट्रिक्ट स्पोर्ट्स काउंसिल दक्षिण आर्कोट कुड्डालूर-1 तमिल नाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के सितम्बर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/32/70-पी० एफ० 2]

S.O. 2122.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs National Organic Chemical Industries Limited, Sandoz House, Dr. A. B. Road, Worli, Bombay-18, including branches situated at Calcutta, Delhi and Madras and also factory, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of July, 1967.

[No. 8(118)/67/PF.II.]

क० आ० 2112.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स नेशनल ऑर्गेनिक केमिकल इण्डस्ट्रीज लिमिटेड सेंद्रीज हाऊस डा० ए० बी० रोड बोर्ली मुम्बई-18 नामक स्थापन जिसके अन्तर्गत उसकी कलकत्ता, दिल्ली और मद्रास स्थित शाखाएँ और कारखाना भी सम्मिलित हैं, से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1967 की जुलाई के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 6/118/67-पी० एफ० 2]

New Delhi, the 2nd June 1970

S.O. 2123.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1370 dated the 18th May, 1960, in so far as it relates to Shri N. V. Kachhy, the Central Government hereby appoints Shri N. V. Kachhy

to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 21(8)/69-PF.I(1).]

नई दिल्ली, 2 जून 1970

का० आ० 2123.—कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० आ० 1370 तारीख 18 मई 1960 को जहाँ तक इसका सम्बन्ध श्री एन० बी० काछी से है अधिकांत करने हुये केन्द्रीय सरकार एतद्वारा श्री एन० बी० काछी को उक्त अधिनियम और उसके अधीन विरचित किसी स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन स्थापन के सम्बन्ध में या किसी रेल कंपनी महापत्तन खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित स्थापन के संबंध में सम्पूर्ण महाराष्ट्र राज्य के लिये निरीक्षक नियुक्त करती है।

[संख्या 21(8)/69-पी० एफ० I(i)]

S.O. 2124.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2227 dated the 7th September, 1961, the Central Government hereby appoints Shri C. J. Yagnik to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry.

[No. 21(8)/69-PF-I(11).]

का० आ० 2124.—कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० आ० 2227 तारीख 7 सितम्बर 1961 को अधिकांत करते हुए केन्द्रीय सरकार एतद्वारा श्री सी० जे० यागनिक को उक्त अधिनियम और उसके अधीन विरचित किसी स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन स्थापन के सम्बन्ध में या किसी रेल कंपनी महापत्तन खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित स्थापन के सम्बन्ध में सम्पूर्ण महाराष्ट्र राज्य के लिये निरीक्षक नियुक्त करती है।

[संख्या 21(8)/69-पी०-एफ० I(ii)]

नई दिल्ली, 13 जनवरी, 1970

का० आ० 295.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 353 तारीख 16 जनवरी, 1969 के क्रम में केन्द्रीय सरकार एतद्वारा हिन्दुस्तान ऐंटीवायोटीक्स लिमिटेड, पिम्परी, पूना के स्थायी और अस्थायी कर्मचारियों को अध्याय 5 के सिवाय उक्त अधिनियम के प्रवर्तन से 16 जनवरी 1970

से 15 जनवरी 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष के लिए निम्नलिखित शर्तों के अध्वधीन छूट देती है, अर्थात् :

- (i) कि उपर्युक्त कारखाना छूट-प्राप्त कर्मचारियों के नामों और पदनामों का एक रजिस्टर रखेगा ; और
- (ii) कि यह छूट होने पर भी ऐसे कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनके लिये वे छूट की तारीख से पहले संवत् अभिदाय के आधार पर अर्हित हो गए हों ।

[सं० फा० 6/80/69-एच० आई०]

नई दिल्ली, 22 जनवरी, 1970

का० आ० 362.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उन कारखानों के, जो या तो रई प्रेसिंग और जिनिंग के साथ-साथ या उसके बिना अनन्य रूप से ऊन-प्रेसिंग में लगे हुए हैं उद्योग की मौसमी प्रकृति को ध्यान में रखते हुए एतद्वारा उक्त कारखानों को उक्त अधिनियम के अध्याय 5 क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के मदाय से प्रथम जनवरी 1970 से 31 दिसम्बर 1970 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए छूट देती है ।

[सं० फा० 7(1)/68-एच० आई०]

का० आ० 363.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 999 तारीख 7 मार्च 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात्, असम राज्य सरकार के स्टेट ट्रांसपोर्ट मॅटिनेन्स सेन्टर धुब्री, की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से प्रथम जनवरी 1970 से 31 दिसम्बर 1970, जिसमें वह तारीख भी सम्मिलित है तक एक अतिरिक्त वर्ष की कालावधि के लिये एतद्वारा छूट देती है ।

[सं० फा० 6(17)/69-एच० आई०]

का० आ० 364.—यतः केन्द्रीय सरकार का यह समाधान हो गया है कि भारत सरकार की भूगणितीय और अनुसंधान शाखा वर्कशाप, भारतीय सर्वेक्षण देहरादून के कर्मचारियों को कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबन्धित प्रसुविधाओं के सारतः समरूप प्रसुविधाएं अन्यथा प्राप्त हैं :

अतः, अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1221 तारीख 19 मार्च, 1969 के क्रम में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् एतद्वारा उक्त भूगणितीय और अनुसंधान शाखा वर्कशाप को उक्त अधिनियम के प्रवर्तन से 31 दिसम्बर, 1970 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए छूट देती है ।

[सं० फा० 6(14)/69-एच० आई०]

का० आ० 365.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2498 तारीख 17 जून, 1969 के क्रम में केन्द्रीय सरकार वर्कशाप, अर्थात् :—

लोक निर्माण विभाग वर्कशाप, भोपाल, को ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति, को ध्यान में रखते हुए उक्त वर्कशाप को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक को विशेष अभिदाय के संदाय से 10 जनवरी, 1970 से 9 जनवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[संख्या फा० 6 (24)/69-एच०/आई०]

का० आ० 366.—यतः केन्द्रीय सरकार का यह साधन हो गया है कि भारत सरकार के संचार विभाग, डाक तार बोर्ड का सरकारी तार भण्डार, मुंबई के कर्मचारियों को कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उल्लिखित प्रसुविधाओं के सारतः सामरूप प्रसुविधाएं प्रत्यक्षा प्राप्त है ;]

यतः अब, उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 1136 तारीख 17 मार्च, 1969 के क्रम में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् एतद्वारा ऊपरवर्णित कारखाने को उक्त अधिनियम के सभी उपबन्धों से 15 जनवरी, 1970 से और आने एक वर्ष की कालावधि के लिए छूट देती है।

[संख्या फा० 6(1)/69-एच० आई०]

का० आ० 367.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2499 तारीख 17 जून, 1969 के क्रम में केन्द्रीय सरकार वर्कशाप, अर्थात् :

भदुराई और सालेन में गवर्नमेंट के आंटोमोबाइल वर्कशाप, की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 6 जनवरी, 1970 से 5 जनवरी, 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[संख्या फा० 6(25)/69-एच० आई०]

का० आ० 368.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० फा० आ० 2656 तारीख 25 जून, 1969 के क्रम में केन्द्रीय सरकार प्रधान, अर्थात् सरकारी शाखा मुद्रणालय, गुलबर्गा, की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त प्रेस को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय

से 26 दिसम्बर, 1969 से 25 दिसम्बर, 1970, जिनमें वह तारीख भी सम्मिलित है, तक एक प्रति-रिक्त वर्ष की कालाधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 6(103)/68-एच० आ०]

का० आ० 369.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 4124 तारीख 26 सितम्बर, 1969 के क्रम में केन्द्रीय सरकार मद्रास राज्य, अर्थात्, कृषि विश्वविद्यालय मद्रास, लुधियाना की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त मद्रास राज्य की उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 20 जनवरी, 1970 से 19 जनवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक एक प्रतिरिक्त वर्ष की कालाधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 6(70)/69-एच० आई०]

का० आ० 370.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2518 तारीख 21, जून 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात् नई दिल्ली नगरपालिका का सेनिटेरी स्टोर वर्कशॉप की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त वर्कशॉप की उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 7 जनवरी, 1970 से 9 जनवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक एक प्रतिरिक्त वर्ष की कालाधि के लिए एतद्द्वारा छूट देती है।

[संख्या फा० 6(23)/69-एच० आई०]

का० आ० 371.—यतः केन्द्रीय सरकार का यह समाधान हो गया है कि भारत सरकार के संचार विभाग डाकतार बोर्ड की डाकतार मोटर सेवा वर्कशॉप मुम्बई के कर्मचारियों को कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) के अधीन उपबन्धित असुविधाओं के सारतः समरूप प्रसुविधाएं अन्यथा प्राप्त हैं ;

अतः अब उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 1134 तारीख 17 मार्च 1969 के क्रम में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् एतद्द्वारा उक्त कारखाने को उक्त अधिनियम के सभी उपबन्धों से 15 जनवरी 1970 से और आगे एक वर्ष की कालाधि के लिए छूट देता है।

[संख्या फा० 6(1)/69-एच० आई०]

का० आ० 372.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 998 तारीख 7 मार्च 1969 के क्रम में केन्द्रीय सरकार डेरी अर्थात् :—

केन्द्रीय डेरी नागपुर दुग्ध स्कीम, नागपुर की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त डेरी को अधिनियम के

अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 2 जनवरी 1970 से प्रथम जनवरी 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 6(9)/69-एच० आई०]

नई दिल्ली, 23 जनवरी, 1970

का० आ० 447—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 442 तारीख 24 जनवरी, 1969 के क्रम में केन्द्रीय सरकार एतद्द्वारा मैसर्स इंडियन रिफाइनरीज लिमिटेड, गोहाटी को उक्त अधिनियम के सभी उपबन्धों से 24 जनवरी 1970 से 23 जनवरी 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए छूट देती है।

[सं० फा० 6(65)/68-एच० आई०]

शुद्धिपत्र

नई दिल्ली, 7 फरवरी, 1970]

का० आ० 585.—भारत के राजपत्र भाग 2 खण्ड 3 उपखण्ड (ii). तारीख 13 सितम्बर, 1969 के पृष्ठ 3983 पर प्रकाशित भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 3718 तारीख 30 अगस्त 1969 में पंक्ति 5 में—

(i) “Karad Swastik Industrial Works” के स्थान पर

“Karad Swastik Industries Ltd.” पढ़िये :

(ii) “Padaka” स्थान पर “Padke” पढ़िये।

[संख्या फा० 6(4) /69-एच० आई०]

नई दिल्ली, 13 फरवरी, 1970

का० आ० 701.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारत सरकार के श्रम रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 693 तारीख 12 फरवरी, 1969 में निम्नलिखित संशोधन करती है अर्थात् :—

उनकी अधिसूचना में “एक वर्ष” की कालावधि के लिए” शब्दों के स्थान पर “कालावधि के लिए” शब्द प्रतिस्थापित किये जाएंगे।

[सं० फा० 6(58)/67-एच० आई०]

नई दिल्ली, 20 फरवरी, 1970

का० आ० 803—यतः केन्द्रीय सरकार का यह समाधान हो गया है कि भारत सरकार के संचार विभाग, डाकतार बोर्ड के कलकत्ता, मुंबई और जबलपुर स्थित दूर-संचार कारखानों जिन्हें पहले तार वर्कशाप्स अलिपुर कलकत्ता टेलीफोन वर्कशाप्स मुंबई और तार वर्कशाप्स, जबलपुर कहा जाता था के कर्मचारियों को कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) के अधीन उपवन्धित प्रसुविधाओं के सारतः समरूप प्रसुविधाएं अन्यथा प्राप्त हैं ;

अतः अब कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 617 तारीख 6 फरवरी 1969 के क्रम में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् एतद्वारा ऊपर वर्णित वर्ष-शास्त्र में से प्रत्येक को उक्त अधिनियम के सभी उपबन्धों से प्रथम फरवरी 1969 से 31 जनवरी 1971 जितमें वह तारीख भी सम्मिलित है तक की और आगे कालावधि के लिए छूट देती है।

[सं० 6(68)/68-एच० आई०]

का० आ० 805.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2893 तारीख 5 जुलाई 1969 के क्रम में केन्द्रीय सरकार म्युनिसिपल यांत्रिक और परिवहन कारखाना आगरा की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से प्रथम मार्च 1970 से 28 फरवरी 1971 जिसमें वह तारीख भी सम्मिलित है तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 6(17)/68-एच० आई०]

का० आ० 806.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2514 तारीख 20 जून 1969 के क्रम में केन्द्रीय सरकार तमिलनाडु सरकार के जेल विभाग के बोस्टॉल स्कूल पुडुकोट्टी की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त स्कूल को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 10 फरवरी 1970 से 9 फरवरी 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[संख्या फा० 6(8)/68-एच० आई०]

का० आ० 808.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2516 तारीख 21 जून, 1969 के क्रम में केन्द्रीय सरकार मुंबई विद्युत् और परिवहन उपक्रम, मुहूर्, के स्वामित्वाधीन गोंडसर, काडिंबी (पश्चिम) मुंबई में स्थित म डिडी की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 20 फरवरी, 1970 से 19 फरवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[संख्या फा० 6(13)/68-एच० आई०]

का० आ० 809.—यतः केन्द्रीय सरकार का यह समाधान हो गया है कि भारत सरकार के पर्यटन और विभिन्न विमान मंत्रालय के निपटणाधीन विद्युत् और यांत्रिक कारखाना, मद्रास एयर पोर्ट,

मद्रास के कर्मचारियों को कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबन्धित प्रसुविधाओं के सारतः समरूप प्रसुविधाएं अन्यथा प्राप्त हैं ;

अतः, अब, कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2386 तारीख 12 जून, 1969 के क्रम में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् एतद्वारा उक्त कारखाने को उक्त अधिनियम के उपबन्धों से प्रथम फरवरी, 1970 से 31 जनवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक और आगे एक अतिरिक्त वर्ष की कालावधि के लिए छूट देती है।

[सं० फा० 6(26)/69-एच० आई०]

का० आ० 810.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 द्वारा दत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पूना स्थित भारतीय मौसम-विज्ञान विभाग वर्कशाप के 17 नवम्बर, 1961 से पहले के कर्मचारियों को अध्याय 5क के सिवाय उक्त अधिनियम के प्रवर्तन से शासकीय राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की कालावधि के लिए, नीचे पैरा 2 में विनिर्दिष्ट शर्तों के अध्वधीन, छूट देती है :—

2. (I) उपर्युक्त कारखाना, कर्मचारियों के नामों और पदनामों का एक रजिस्टर रखना; और

(II) कि यह छूट होने पर भी कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनके लिए वे छूट की तारीख से पहले संदत्त अभिदायों के आधार पर अर्हित हो गये हों।

[सं० फा० 6(5)/68-एच० आई०]

नई दिल्ली, 23 फरवरी, 1970,

का० आ० 811.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, कारखाने, अर्थात् उच्च न्यायालय प्रेस मुद्रणालय (सरकारी प्रेस/मुद्रणालय), बंगलूर की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 25 दिसम्बर, 1969 से 4 दिसम्बर 1970, जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० 6(91)/69-एच० आई०]

का० आ० 812.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार कारखाने अर्थात् ग्रहमदाबाद नगर निगम की ग्रहमदाबाद म्यूनिसिपल ट्रांसपोर्ट सर्विस परिधहन सेवा, ग्रहमदाबाद की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 15 दिसम्बर, 1969 से 14 दिसम्बर, 1970 जिसमें वह तारीख भी सम्मिलित है, तक एक वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 6 (94)/69 एच० आई०]

का० प्रा० 813.—यतः केन्द्रीय सरकार का समाधान हो गया था कि मैसर्स आगाशे इंजीनियरिंग वर्क्स श्री रामपुर क्षेत्र में स्थित था जो महाराष्ट्र राज्य में अहमदनगर जिले में विरल क्षेत्र (अर्थात् वह क्षेत्र जिसकी बीमा योग्य जनसंख्या 500 से कम थी) था ;

और, यतः पूर्वोक्त कारखाने की विरल क्षेत्र में अवस्थिति के आधार पर उसे कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च के अधीन नियोजक के विशेष अभिदाय से, उक्त अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवृत्त न किये जान तक, केन्द्रीय सरकार द्वारा भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० प्रा० 2843 तारीख 24 सितम्बर, 1963 के माध्यम से छूट दी गई थी ;

और, यतः केन्द्रीय सरकार का समाधान हो गया है कि महाराष्ट्र राज्य में अहमदनगर जिले में श्री रामपुर क्षेत्र की बीमा योग्य जनसंख्या अब 500 से अधिक हो गई है और यह अब विरल क्षेत्र नहीं है ;

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 [(1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिसूचना में एतद्वारा और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में, श्रम सं० 1 के सामने रतना 3 से “श्री रामपुर” प्रद्विष्ट और स्तम्भ 4 में तत्स्थानी प्रविष्टि का लोप कर दिया जाएगा ।

[सं० फा० 6/58/68—एच० आई०]

का० प्रा० 814.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 1887 तारीख 8 मई, 1969 के क्रम से केन्द्रीय सरकार कारखाने अर्थात् हेगर सं० 6, जुहु एयर पोर्ट, विमानन विभाग, मुंबई का अनुरक्षण अनुभाग की ऐसी क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति की ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहण नियोजक विशेष अभिदाय के संदाय से 30 जनवरी, 1970 से 29 जनवरी, 1971, जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्वारा छूट देती है ।

[सं० फा० 6(27)/69—एच० आई०]

का० प्रा० 815.—यतः केन्द्रीय सरकार का समाधान हो गया था कि

1. मैसर्स आदर्श इंजीनियरिंग लिमिटेड,
2. मैसर्स लोढा इंजीनियरिंग वर्क्स,
3. मैसर्स विजय इंजीनियरिंग मेकेनिकल वर्क्स,
4. मैसर्स अमलगामेण्टेड इलेक्ट्रिक कम्पनी,
5. मैसर्स हाजी अब्दुल करीम आयाल मिस्स,
6. मैसर्स नवशक्ति आयर्वेदालय (प्रा०) लिमिटेड,
7. मैसर्स शिवनारायण विशनलाल आयाल मिस्स,
8. मैसर्स विजय आयाल मिस्स,

श्रीरामपुर और भुसावल क्षेत्रों में स्थित थे जो महाराष्ट्र राज्य में अहमदनगर और पूर्व खान देश जिलों में विरल क्षेत्र (अर्थात् वे क्षेत्र जिनकी बीमा योग्य जनसंख्या 500 से कम थी) थे ;

और यतः पूर्वोक्त कारखानों की विरल क्षेत्रों में अवस्थिति के आधार पर उन्हें कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 24) की धारा 73च के अधीन नियोजक के विशेष अभिदाय से, उक्त अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवृत्त न किये जान तक, केन्द्रीय सरकार द्वारा भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 2665 तारीख 2 नवम्बर, 1961 के माध्यम से छूट दी गई थी ;

और, यतः केन्द्रीय सरकार का समाधान हो गया है कि महाराष्ट्र राज्य में अहमदनगर और पूर्व खानदेश जिलों में श्रीरामपुर और भुसावल क्षेत्रों की बीमा योग्य जनसंख्या अब 500 से अधिक हो गई है और ये अब विरल क्षेत्र नहीं हैं ;

अतः, अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिसूचना में एतद्वारा और आगे निम्नलिखित संशोधन करती हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची 4 में

(1) क्रम सं० 1 के सामने स्तम्भ 4 में “श्रीरामपुर” प्रविष्टि और स्तम्भ 5 में तत्स्थानी प्रविष्टियों का लोप कर दिया जाएगा ;

(2) क्रम सं० 9 के सामने स्तम्भ 4 में “भुसावल” प्रविष्टि और स्तम्भ 5 में तत्स्थानी प्रविष्टियों का लोप कर दिया जाएगा ।

[सं० फा० 6/58/68-एच० आई०]

का० आ० 816—यतः केन्द्रीय सरकार का समाधान हो गया था कि मेसर्स राज्य परिवहन श्रीरामपुर परिवहन डिपो श्री रायपुर क्षेत्र में स्थित था जो महाराष्ट्र राज्य में अहमदनगर जिले में विरल क्षेत्र (अर्थात् वह क्षेत्र जिसकी बीमा योग्य जनसंख्या 500 से कम थी) था ;

और, यतः पूर्वोक्त कारखाने की विरल क्षेत्र में अवस्थिति के आधार पर उसे कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च के अधीन नियोजक के विशेष अभिदाय से, उक्त अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवृत्त न किए जाने तक, केन्द्रीय सरकार द्वारा भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2407 तारीख 27 जून, 1968 के माध्यम से छूट दी गई थी ;

और, यतः केन्द्रीय सरकार का समाधान हो गया है कि महाराष्ट्र राज्य में अहमदनगर जिले में श्रीरामपुर क्षेत्र की बीमा योग्य जनसंख्या अब 500 से अधिक हो गई है और यह अब विरल क्षेत्र नहीं है ;

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिसूचना में एतद्वारा और निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना की अनुसूची में, क्रम सं० 1 और तत्सम्बन्धी प्रविष्टियों का लोप कर दिया जाएगा ।

(सं० फा० 6/58/68-एच० आई०)

नई दिल्ली, 2 मार्च, 1970

का० आ० 986:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73C द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखाने की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, और जो उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट है तथा पश्चिमी बंगाल में है, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से, शासकीय राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की कालावधि के लिए या जब तक उस क्षेत्र में उक्त अधिनियम के अध्याय 5 के उपबन्ध प्रवृत्त न हों, जो भी पहले हो, एतद्द्वारा छूट देती है।

अनुसूची

क्रम सं० (1)	जिले का नाम (2)	क्षेत्र का नाम (3)	कारखाने का नाम (4)
1. जलपाईगुड़ी		डा० मानबाड़ी	मेमर्स ऊडलाबाड़ी सा मिल्स

[सं० फा० 6/38/68-एच० आई०]

नई दिल्ली, 3 मार्च, 1970

का० आ० 987:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73C द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० फा० आ० 4125 तारीख, 29 सितम्बर, 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात्, अलूमिनियम इंडस्ट्रीज लिमिटेड, हैदराबाद की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से प्रथम फरवरी, 1970 से 31 जुलाई, 1970 जिसमें वह तारीख भी सम्मिलित है, तक अतिरिक्त 6 महीने की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 6(22)/68-एच० आई०]

नई दिल्ली, 5 मार्च, 1970

का० आ० 988:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73C द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० फा० आ० 2652 तारीख 25 जून, 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात्, तेल तथा प्राकृतिक गैस आयोग के केन्द्रीय वर्कशॉप, बड़ोदा की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 16 मार्च, 1970 से 15 फरवरी, 1971 जिसमें वह तारीख भी सम्मिलित है, तक एक अतिरिक्त वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 601(1)/70 एच० आई०]

नई दिल्ली, 9 मार्च, 1970

का० आ० 1009 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 7च द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखाने की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं और जो उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट हैं तथा तमिल नाडू में हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5 के अधीन उदग्रहणीय निशोत्रक के विशेष अभिदाय के संदाय से शासकीय राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की कालावधि के लिए या जब तक उन क्षेत्रों में उक्त अधिनियम के अध्याय 5 के उपबन्ध प्रवृत्त न हों, जो भी पहले हों, एतद्द्वारा छूट देती है।

अनुसूची

क्रम सं० (1)	जिले का नाम (2)	क्षेत्र का नाम (3)	कारखाने का नाम (4)
1.	कन्याकुमारी	अम्रगप्पापुरम	लुहारगीरी और बढईगीरी यूनिट
2.	रामनाड	मुथानान्डाल	दी सामानुबदरम् मिल्स प्राइवेट लि० 'बी' यूनिट
3.	सलेम	कोरिपट्टी आडुवेंकुरिबि	साथी सागो फैक्टरी उत्तर तालुक श्री संम्भगा सागो फैक्टरी राप्ती पुरम तालुक
4.	तंजोर	मन्नरगुडि	श्री रामा विनास सर्विम लिमिटेड
5.	तिरुवल्लूर	पानागुदि	आर० एम० मिलुवई नाडार एंड सन्स, डबल अन्नम टाइल वर्क्स।

[सं० फा० 6/27/68-एच० आई०]

दलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 2nd June 1970

S.O. 2125.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the management of Ghatkuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited and their workmen, which was received by the Central Government on the 26th May, 1970.

ADDITIONAL INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Shri U. N. Mishra, B.L., Presiding Officer, Additional Industrial Tribunal, Orissa, Bhubaneswar.

Dated Bhubaneswar, 15th May, 1970

INDUSTRIAL DISPUTE CASE NO. 7 OF 1969.

BETWEEN

The management of Ghatkuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited—1st party.

AND

Their workmen—2nd party.

APPEARANCES:

Sri S. S. Mukherjee, Member of the Executive Committee of the Eastern Zone Mining Association—*For the 1st Party.*

Sri N. Guha, Secretary, United Mineral Workers Union—*For the 2nd Party.*

AWARD

The Government of India in the Department of Labour and Employment (Ministry of Labour, Employment and Rehabilitation) by its Order No. 37/12/69-LR.IV dated 27th August, 1969 referred the following question to the Tribunal for adjudication as it considered an industrial dispute exists between the employers in relation to the management of Chatkuri Iron Ore Mines of Messrs. Rungta Mines (Private) Limited and their workmen.

"Whether the management of Ghatkuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited are justified in terminating the services of the following workmen with effect from 1st January, 1969:—

1. Durua Purty Munda	Mining Mate
2. Lawrence Michiari	-Do-
3. Abhiram Sinku	-Do-
4. Rongsho Hessa	
5. Ram Nath Goswami	-Do-
6. G. N. Gope	-Do-
7. Rupus Samad	Blaster

If not, to what relief are the workmen entitled?"

2. After receipt of notices from this Tribunal, both parties filed their respective written statements.

3. The management in its written statement stated that the Government by Notification No. 1/17/68-MI dated 15th July, 1968 fixed the 1st day of January 1969 as the date on which the provisions of the Regulations mentioned in the notification shall come into force in respect of all the metalliferous Mines. The said regulations require that the "Mining mates" and "Blasters" shall have to obtain requisite certificates from the Department of Mines for performing the duties of Mining mate or of a Blaster. The Director General of Mines Safety by Circular No. 28 of 1968 dated 1st August, 1963 directed the management to take adequate steps to ensure compliance with the requirements of the above notification. The management gave notices in October, 1968 to all unqualified Surveyors, Foreman, mates and Blasters informing them that if they do not qualify themselves by 31st December, 1968 their services will be terminated. The provisions of the metalliferous Mines Regulations came into force from 1st January, 1969 after which no unqualified personnel was employed in supervisory capacities under regulations 37, 38, 160(2) and 185 of the Metalliferous Mines Regulation Act, 1961. As the concerned workmen failed to obtain requisite certificates, their services were terminated from 1st January 1969. Therefore, it is prayed that the termination of services of these workmen is proper.

4. The workmen in their written statement alleged that it is a profitable concern in which 500 workmen are employed. The management does not recognise the Union though it has existed since long. It is alleged that the workmen were retrenched from service on 1st January, 1969 on the plea that they are not qualified hands. The management could have absorbed the workmen in alternative jobs and it could have also provided opportunities to the workers to get themselves qualified. It is alleged that there are other mining mates and blasters who without requisite service certificates are working in other mines in that area and have been permitted to continue to work in Gua Mines also. It is alleged that the mining mates concerned were given the rate of wages at Rs. 5.95 per day and have been placed in Category No. 2. It is alleged that Sri Goswami M. mate was working on monthly basis on a salary of Rs. 70-00 per month, but he was not given wage increase. The Union raised an industrial dispute before the Assistant Labour Commissioner(C) Chaibasa and the Conciliation Officer submitted a failure report. The action of the management in terminating the services of 7 workers is thus illegal and unjustified. Hence it is prayed that the workmen be reinstated with full back wages with continuity of service.

5. Sri R. C. B. Sribastaba, the Chief Mining Engineer of Rungta Mines has been examined on behalf of the management and 2 of the workers named in the list examined themselves for their cause. There is no dispute that the 7 workers, the names of whom have been stated in the order of reference were working under

the management and their services were terminated from 1st January, 1969 as they could not be able to qualify themselves for the posts as was required from them though they remained there for considerable period. There is no dispute also that 6 of the workers were working as Mining mates and one of them was working as a Blaster. Metalliferous Mines include every mine other than Coal or Iron Mine. Metalliferous Mines Regulations, 1961 shows that "Mining mate" means a person possessing a Manager's, Foreman's or Mate's certificate and appointed by the Manager in writing, under any designation whatsoever, to perform the duties of a mining mate under these regulations, and includes an Overseer or Head Mistri. "Blaster" also means a person possessing a Manager's Foreman's Mate's or Blaster's certificate and appointed by the manager in writing to perform the duties of a blaster under these regulations, and includes a Shotfirer. There is no dispute that these workmen were employed between 1961 to 1968 but they could not qualify themselves for their respective posts for such a long period and hence the management out of apprehension under Section 73 of the Mines Act, 1952, terminated their services. Section 73 of this Mines Act, 1952 provides that whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Section 57 of the Mines Act, 1952 lays down powers of Central Government to make regulations for efficient discharge of the duties of the managers of Mines and their qualifications and persons working under them. Regulation 185 of the Metalliferous Mines Act, 1961 lays down the qualifications to be acquired by the persons to hold the post of a Mining mate. Regulations 186 lays down that the provisions of the regulations 33, 34, 35, 37, 160(2), 176(2) and 185 shall not come into force in respect of any mine and the provisions of Regulation 78(1) shall not come into force in respect of any mine other than a gold mine until such date or dates as the Central Government may notify in that behalf in the Official Gazette. Hence the applications of certain provision was delayed.

6. It is admitted by the 2 workers who were working as Mining mates that they got notices to pass certain examination to qualify themselves for the post in which they were serving. The worker who was working as a blaster has not been examined. The workers however, take the plea that they applied to the management to give certificate regarding their character and service but the management did not give them the required certificates and so they could not pass the examination. It is admitted that they got the application forms from Dhanbad but as they could not send them for want of necessary certificate of character and service from the management, they could not appear in the examination. Regulation 23(3)(i)(ii)(iii) lays down the persons who can grant such certificates. They could have obtained certificates from any of the sources as stated in Rule 23(3)(i)(ii)(iii). They could have obtained a certificate even from some person of good repute for the purpose. It is not proved satisfactorily that they applied to the management and the management did not give the required certificate. It is elicited from the witness No. 2 for the worker that he verbally requested the manager to give necessary certificate but he did not complain before any officer that the manager did not give any certificate. If really the management did not give them required certificates which disqualified them from continuity in the job, they would not have remained silent and they would have certainly moved proper authorities in time to redress their grievances. The same witness stated that he got forms from Dhanbad showing that the character certificate would be given by the manager but he could not produce such record to show that the manager should give the required certificates. Witness No. 1 for the Union stated that he is now working under a Contractor as a miner but no such person is examined to show that he is still working under the contractor without requisite qualification. The witness No. 1 for the Union has stated the names of Arlen, Chakravarty, Dasru, Bunifas and Bilkan who were working in the mines though they are not qualified for the post. He was subsequently constrained to admit that they are not mining mates. He was constrained to admit that he did not take any training. Therefore, it becomes difficult for the management to keep their services particularly when section 73 of Mines Act provides penal provision for violation of such rules. It was next urged on behalf of the Union that the management could have absorbed them in some other capacity. It is not disputed that termination of service of a workman in a post which under the orders of the Government can be held only by a qualified person who has passed the required examination is justified if the workman fails to qualify himself.

even when chances are given and it cannot be said that the action taken is mala-fide or unfair. The employer is not bound to give the workman alternative employment in a post requiring no skill (1960-2-LLJ-page-91). Therefore the contention of the Union on this score has no merits. It was lastly urged that the management did not give them sufficient opportunity to appear in the examination. It is admitted by the worker that he received the notice for appearing in the examination but they could not sit as they did not get required certificate. I have stated that Regulation 23(3)(i)(ii)(iii) provides the sources from which the required certificate can be obtained but no attempt whatsoever was made to obtain certificates from any of those sources. The management gave notices to all the workers to show-cause why their services would not be terminated by 31st December, 1968 if they fail to qualify themselves as required under the circular No. 28/68 issued by the Director General of Mines Safety. The said notice was served on the workers on 1st November, 1968 vide Ext. 3 series. The management finally issued notices showing termination of service to the workers terminating their services with effect from 1st January, 1969. It was contended on behalf of the Union that as the Notice given to them was not sufficient, services of the workers should not have been terminated. The rules providing for compulsory passing of the required test have not been followed by the workers. They have been published in the Gazette. The workers were also serving since long and the management took them to service since 1961 with the hope that they shall pass the required test. They did not pass such examination. On the other hand they took false plea that the management did not give them required certificates of character and service. Therefore, the management was justified in terminating the services of the workers from 1st January, 1969. The reference be answered accordingly.

(Sd.) U. N. MISRA,

Presiding Officer,

Additional Industrial Tribunal,
Orissa, Bhubaneswar.

Dictated and corrected by me.

(Sd.) U. N. MISRA,

Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

[No. 37/12/69-LR-IV.]

S.O. 2126.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the management of Messrs. T. P. Sao Owners of Bejoy and Ghatkuri Iron Ore Mines, Post Office Chaibasa, Distt. Singhbhum and their workmen, which was received by the Central Government on the 26th May, 1970.

ADDITIONAL INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Shri U. N. Mishra, B.L., Presiding Officer, Additional Industrial Tribunal,
Orissa, Bhubaneswar.

Dated Bhubaneswar 15th May, 1970

INDUSTRIAL DISPUTE CASE No. 6 OF 1969

BETWEEN:

The management of Messrs T. P. Sao Owners of Bejoy and Ghatkuri Iron Ore Mines, Chaibasa, District Singhbhum—1st Party.

AND

Their workmen—2nd Party.

APPEARANCES:

Sri S. S. Mukherjee, Member of the Executive Committee of the Eastern Zone Mining Association—*For the 1st party.*

Sri N. Guha, Secretary, United Mineral Workers Union—*For the 2nd party.*

AWARD

The Government of India in the Department of Labour and Employment (Ministry of Labour, Employment and Rehabilitation) in its order No. 24/24/69-LR-I dated 1st July, 1969 referred the following point to this Tribunal for adjudication as it considered that an industrial dispute exists between the employers in relation to Messrs T. P. Saa Owners of Bejoy and Ghatkuri Iron Ore Mines, Chaibasa, District Singhbhum and their workmen:—

“Whether Messrs T. P. Saa owners of Bejoy and Ghatkuri Iron Ore Mines were justified in engaging the workmen as per the list below on piece-rate with effect from the 30th January, 1969.

1. Mankuari Barik w/o Haraknai Barik.
2. Subhadra Dasi, w/o Surendro Das.
3. Kistomoni Mundarin w/o Sukhram Mundarin.
4. Bhojmati Alda, d/o Gundi Alda.
5. Sukurmani Dasi, w/o Mahendro Das.
6. Sukurmoni Hasda, w/o Jogan Hasda.
7. Sumi Gopin, w/o Bhukan Gope.
8. Flumoni Loharin, w/o Kuroo Lohar.
9. Menjo Dasi, w/o Bibhisam Das.
10. Lakhmi Sawaya, w/o Bagun Sawaiya.
11. Basi,
12. Gurubai Mundarin, w/o Bidu Mundare.
13. Jasmoti Dasi, w/o Rasika Das.
14. Sukamoro Dasi, w/o Rattan Das.
15. Subni Kuldi, d/o Charan Kuldi.
16. Gourmani Kolia, d/o Suni Barlo.
17. Shauri Manki, w/o Johan Manki.
18. Chandrabathi Das, w/o Gobardhan Das.

If not, to what relief are the workmen entitled? ”

2. After receipt of notices from this Tribunal, both parties filed their respective written statements.

3. The management in its written statement has stated that some of the concerned workmen were appointed as miners and had worked as such. It is alleged that those female workers generally used to bring food of their male relatives to the work site. They have been employed only on compassionate grounds. It is also stated that the picking work in Iron Ores is negligible and do not keep a workman engaged for the full period of the shift. It is further alleged that after the introduction of the new scales as per Wage Board recommendation a settlement on 17th December, 1968 was arrived at in course of conciliation proceedings with the recognised union of said Mines and it was found that it would not be possible to run the mines as an economic unit unless the unproductive and unnecessary works be abolished. The system of picking of Iron Ore was discontinued from 30th January, 1969. With the discontinuance of the system, surplus hands were given the option to join as miner on usual terms and conditions prevailing in mines with effect from 30th January, 1969. Some of the concerned had prior experience as Miners. The workmen concerned accepted the offer and joined as miners with effect from 30th January, 1969 and are working as such. It is alleged that in order to give sufficient time and opportunity to the workmen to adapt themselves of the situation, the employers agreed with the recognised Union to compensate the workers for a period of 5 weeks. The workmen concerned are generally earning as other miners and since they joined, there was no complaint of workmen.

4. The workmen through their union in their written statement alleged that the management is a big and profitable concern but the workmen are being deprived of their legitimate claims. It is alleged that out of 18 female workers only 3 workers were working as picking ‘Kamins’ and some of them were working as water carriers to supply water to the Mines workers and some were doing the work of piling ores into stacks at the quarries. Each of them were getting Rs. 5.75 P.

altogether per head per day and 34 rupees in a week after deduction to Provident Fund. It is alleged that the job of producing ore is most arduous and concentrated job and they are not physically able to give production in pursuance of the work-load fixed. It is alleged that the workmen may be allowed to work on time-rate basis as before by carrying water, or for loading and stacking of ores. It is alleged that the management has got sufficient jobs to give employment to these workers. Therefore, the management is not justified in engaging workmen in piece-rated job. Hence it is prayed that the workmen be restored to do their original work.

5. One witness has been examined on behalf of the management and only 3 witnesses have been examined on behalf of the Union. The witness for the management stated that out of these 18 workers, 16 workers were working as picking 'Kamins' and one was supplying water and another was cleaning cloths. His evidence shows that the picking work has been abolished. He stated that at first picking work was done because there were impurities in the float-ores and the float work has been subsequently stopped. He also stated that the mining operation is done at present in reef, and there is no impurity in reef work. After the picking work was abolished they offered the picking kamins the job of miners on piece rate system. He also deposed that some of the workers were working as such previously and there are many female workers there. The witness No. 1 for the Union stated that she was working as a picking Kamin (Female worker) on daily rated basis and after the introduction of the new pay scale, she was getting Rs. 33/- per week after deduction to provident Fund for 5 weeks for which she was forced to work in the mines. She also stated that out of 18 workers given in the list reference only 3 workers are working as picking kamins and some were carrying water and some were doing the loading and stacking work. She stated that they have been sent to mines and in their place temporary workers are working. The witness No. 2 also stated that after they were sent to the mine, the work was done by the temporary workers. The Union did not take such plea either before the conciliation officer or in their subsequent written statement that after the workers named in the reference have been sent to the mines, their works are done by the temporary workers. They did not produce any satisfactory evidence on this score even though the witness No. 1 for the management has clearly stated that the picking work has been abolished. He also stated that the water supply work is done through trucks and there is no necessity to engage workers and there is no work of stacking and loading of ores. It is conceded on behalf of the union that they did not take the plea in conciliation proceedings that temporary hands were working when the workers named in the reference were taken to the mines. It is alleged by the Witness No. 1 for the Union that after they were asked to work in the mines, they gave oral complaint to the management but no action was taken. His evidence in this respect stands uncorroborated. There is no proof that temporary workers were working in their place after they were asked to work in the mines. Therefore, it is clear that employment to these workmen on time-rate basis could not become available after the abolition of picking work. The management however offered them some services in which some were working before. The management instead of terminating their services, offered them to work in the mines and gave them notices to that effect. Ext. A series are the said notices, the genuineness of which have not been challenged. The witnesses for the Union have stated that they did not receive any notice. Ext. A series is clearly in such connection. It is also admitted by witness No. 1 for the Union that there are many female workers working in piece rate basis. Witness No. 3 has also stated that several female workers are working as miners. Witness No. 5 has also deposed that a female (Niras) by name was working in piece rate basis in the mines and she has been all along working on piece rate basis in the mines as miner. It is elicited from witness No. 1 of the management that the workers are given wages on piece rate system. These facts show that these workers were working in piece rate basis. The witness No. 1 further stated that the management gave some wages over and above the regular wages for 5 weeks when they are asked to work in the mines. The witness No. 2 has also stated the same fact. Witness No. 3 for the Union has also deposed how a female worker was getting wages at piece rate in that mine as miner. Witness No. 1 for the management has proved Ext. B which shows that the workers were getting some wages over and above their regular wages for 5 weeks which clearly shows that the management gave them sufficient time to gain experience in the work. These kamins (Female workers) get full difference of their wages in the 1st week and the rate gradually decreased till the 6th week. Ext. C, genuineness of which has not been challenged clearly shows that several workers such as Subhadra Das, Bhojmati Alda and Kistomoni Mundarin got higher wages in some weeks according to their work. Thus it cannot be said that the female workers were not fit to do the work of

miners. The witnesses for the Union have also deposed that the management has also given wages over and above their regular wages for 5 weeks when they were asked to work in the mines. It is elicited from the witnesses for the Union that several female workers are working in the mines as miner. Therefore, it cannot be said that they were given new work in which they had no experience before and they got wages over and above the regular wages for several weeks in order to acquainted hem with the work. It is not suggested even that they are out of employment from 30th January, 1969 i.e. the date on which the notice was served on them. The notice was sent to them on 23rd January, 1969 and they joined as miners. They have joined and they are working there on piece rate basis.

6. There is no allegation by the Union that the time rated jobs which the workmen had been performing is still available. In the conciliation proceedings it was suggested by the Union that alternative employment on Hazira basis may be given and if the same is not available to guarantee minimum rate of wages of a miner. Thus there was tacit admission by the workmen that the job on Hazira basis was not available to the concerned workmen. There is no allegation in the written statement or even in the deposition of the witnesses of the workmen that the job they were previously performing were still available. The evidence of Management witness No. 1 shows that the work is being carried on in reef and since there was no impurity, the picking work has been abolished. It is also elicited from him that the water is supplied in truck. Thus it can be safely concluded that the jobs on Hazira basis were no longer available.

7. As the jobs that were being performed by the concerned workmen were no longer available, the management could have terminated their services by way of retrenchment, but the management gave notices dated 23-1-1969 under Ext. A series giving the workmen concerned the job of miners with effect from 30-1-1969. Such offer of the management was accepted as will be evident from the fact that the concerned workmen joined as miners. The management agreed also to give compensation for 5 weeks only to see that the concerned workmen do not suffer in their wages while being trained for working as miners.

8. The job of miners are not new to a female worker as will be evident from the admission of the witness No. 3 of the Union. The witness No. 1 of the management has stated that some of these concerned workmen were previously working as miners and there are many female workers who were performing this job. It is the case of both parties that the miners are piece rated workmen or in other words the piece rate is the condition attached to the job of the miner. The present case is not the unilateral action of the management, but a case of offer of job of a miner when the previous job on Hazira basis was not available and the acceptance of the same by the concerned workmen. It is also evident from Ext. C the genuineness of which was not challenged that one Bhojmati Aida has earned Rs. 44.10 P. in a particular week. As I stated before there is no allegation by the Union before the conciliation officer or in the written statement that any new or temporary workmen had been engaged in the job in which the concerned workmen had been doing the job in the past.

9. In view of the fact that the jobs that the workmen had been performing prior to 30-1-1969 were not available, the management offered them job of the miners instead of terminating their services. The concerned workmen had previously worked as miners and there were many female workers working as such. The management also gave pay protection for 5 weeks. The management not only gave pay protection for 5 weeks but the piece rate was attached to the condition of the service of a miner. In view of the fact that some workmen while working as miner had earned fair wages, the action of the management was not only bonafide but there was sufficient justification to engage the said workmen on piece rate with effect from 30-1-1969.

10. The Union could not give any satisfactory reply on this point. Therefore, the action of Messrs T. P. Sao owners of Bejov and Ghatkuri Iron Ore Mines is justified in engaging the workmen as per the list of reference on piece-rate with effect from the 30th January, 1969. The reference is answered accordingly.

(Sd.) U. N. MISRA,
Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

Dictated and corrected by me.

(Sd.) U. N. MISRA,
Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

[No. 24/24/69-LR-IV.]
U. MAHABALA RAO, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 5th June, 1970

S.O. 127.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of Khas Jeenagora Colliery of Messrs. Khas Jeenagora Coal Company Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 25th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD

REFERENCE No. 2 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer

PARTIES:

Employers in relation to the management of Khas Jeenagora Colliery
Vs.

Their workmen.

APPEARANCES:

For the Management—Shri B. Singh, Personnel Officer.

For Workmen—Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

INDUSTRY: Coal

STATE: BIHAR

Camp Patna, dated the 19th May 1970

AWARD

1. The Central Government being of opinion that an industrial dispute exists between the employers in relation to the management of Khas Jeenagora Colliery of Messrs. Khas Jeenagora Coal Co. Ltd., Post Office Khas Jeenagora, District Dhanbad and their workmen in respect of the matters specified in the Schedule annexed thereto, under section 10(1)(d) of the Industrial Disputes Act, 1947 referred the said dispute to this Tribunal for adjudication by its order No. 2/125/68-LRII dated the 17th December, 1968.

SCHEDULE

"Whether the stoppage from work of Sarvashri Manahar Dusadh, Pump Khalasi and twenty three others as per list attached (marked as Annexure 'A') with effect from the dates as mentioned against their names, by the management of Khas Jeenagora Colliery, Post Office Khas Jeenagora, District Dhanbad was Justified?

ANNEXURE 'A'

S. No.	Name	Designation	Date of stoppage of work
1	2	3	4
1.	Shri Manahar Dusadh	Pump Khalasi	11-4-1967
2.	Shri Banshi Dusadh	Surface Trammer	12-4-1967
3.	Shri Bandhan Sao	Pump Khalasi	12-4-1967
4.	Shri Amrit Dusadh	Surface Trammer	15-4-1967
5.	Shri Ramu Sao	Underground-Trammer	12-4-1967
6.	Shri Ledu Mallick	Do.	12-4-1967
7.	Shri Dogan Bhuian	Trammer (Surface)	12-4-1967
8.	Shri Phulchand Rai	Line Mazdoor	9-12-1966
9.	Shri Palak Dhari Khar	Do.	10-3-1967
10.	Shri Muchiram Mahato	Do.	5-9-1966
11.	Shri Maheshwar Mahato	Do.	3-8-1966
12.	Shri Gopal Bid	Winding Engine Khalasi	16-8-1966
13.	Shri Baneshwar Mahato	Engine Khalasi	6-7-1966
14.	Bharat Bouri	Pump Khalasi	22-3-1967
15.	Shri Phulchand Kahar	Onsetter	7-4-1967
16.	Shri Dhiri Bourin	Depot Kamin	16-5-1967
17.	Shri Saroda Bourin	Do.	16-5-1967
18.	Shri Bijola Bourin	Do.	16-5-1967
19.	Shri Binola Bourin	Do.	16-5-1967

1	2	3	4
20.	Shri Dasi Bourin	Do.	16-5-1967
21.	Shri Jhalo Mahatoin	Do.	16-5-1967
22.	Shri Bawaw Kaharin	Do.	16-5-1967
23.	Shri Rasi Bawrin	Do.	16-5-1967
24.	Shri Bhiron Bawrin	Do.	16-5-1967

If not, to what relief are these workmen entitled?"

2. Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat filed written statement, for and on behalf of the workmen, on the 20th February, 1969. On behalf of the employers the written statement was filed on the 14th October, 1969.

3. It is not considered necessary to discuss respective stands of either party since the matter has been settled amicably through mutual compromise. Memorandum of compromise which has been signed by Sri H. N. Singh, Vice President, Koyala Mazdoor Panchayat for and on behalf of the workmen and by Shri B. Singh, Personnel Officer for and on behalf of the management was filed before this Tribunal on the 16th May, 1970 by Shri R. S. Singh, Secretary of the Koyala Mazdoor Panchayat. In a separate petition filed by Shri R. S. Singh it has been prayed that the Tribunal may kindly make award in terms of the compromise.

3. The terms of compromise are mentioned below:—

- (a) That the workmen Sri Manohar Dusadh and 23 others mentioned in the schedule of the order are unwilling to join work due to old age.
- (b) And that the management have paid all their earned dues i.e., wages, bonus etc. to which they were entitled till the date they have worked.
- (c) That the management agrees to pay Rs. 200 (Rupees two hundred only) to each worker as *ex-gratia* payment towards notice pay and any other dues.
- (d) That the management agrees to make this payment to the respective workmen within one month from the date of the award."

4. The above terms of compromise are fair, and reasonable and are accepted. Accordingly I pass an award in terms of the joint petition of compromise, a copy of which is annexed with the award.

5. This may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3), DHANBAD.

REFERENCE NO. 2 OF 1969

Between the Employers in relation to Khas Jeenagora Colliery, P.O. Khas Jeenagora, Dist. Dhanbad.

AND

Their Workmen represented by the Koyala Mazdoor Panchayat, P.O. Jharla, Dist. Dhanbad.

Recital

The Central Government, Ministry of Labour & Employment by Notification No 2/125/68-LRII dated 17th December, 1968 referred this dispute for adjudication to this Tribunal. The reference was in respect of stoppage of work of Sarvashri Manohar Dusaad, Pump Khalasi and 23 others from the dates mentioned in Annexure "A" of the said order.

That the parties have filed their respective claims before this Tribunal. In the mutual interest and good relations the management and the Panchayat have composed of the difference on the following terms and conditions:—

Terms and Conditions.

(1) That the workmen Sri Manohar Dussad and 23 others mentioned in the schedule of the order are unwilling to join work due to old age.

(2) That the management have paid all their earned dues i.e. wages, bonus etc. to which they were entitled till the date they have worked.

(3) That the management agrees to pay Rs. 200 (Rupees two hundred only) to each worker as *ex-gratia* payment towards notice pay and any other dues

(4) That the management agrees to make this payment to the respective workmen within one month from the date of the Award.

For the employers.

For the workmen.

(Sd.) Illegible

Dated the 9th April 1970.

[No. 2/125/68-LR.II.]

S.O. 2128.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the management of Simlabahal Colliery, Post Office Jharla (Dhanbad) and their workmen, which was received by the Central Government on the 25th May, 1970.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 1 OF 1969

In the matter of an Industrial Dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Simlabahal Colliery, Post Office, Jharla (Dhanbad).

AND
Their Workmen.

APPEARANCES:

On behalf of the employers.—Shri P. K. Bose, Advocate.

On behalf of the workmen.—Shri Prasanta Burman, Secretary, Krantikary Koyala Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 20th May, 1970/30th Vaisakha, 1892 Saka

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Simlabahal Colliery, Post Office, Jharla (Dhanbad) and their workmen, by its order No. 2/198/68-LR.II dated 4th December, 1968 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the management of Simlabahal Colliery, Post Office, Jharla (Dhanbad) was justified in stopping from work Sarvashri Prabhu Shaw, Surface Trammer and Lalji Mahato, Prop Mistry, with effect from the 6th May, 1968 and the 2nd April, 1968 respectively? If not, to what relief are these workmen entitled?”

2. Workmen as well as the employers filed their statement of demands.

3. Sarvashri Prabhu Shaw and Lalji Mahato (hereinafter referred to as the affected workmen No. 1 and 2 respectively) were Surface Trammer and Prop Mistry respectively in Simlabahal colliery. From 6th May, 1968 and 2nd March, 1968 respectively they are idle and not working in their respective jobs. These facts are not in dispute. The case of the workmen is that both the affected workmen were permanent employees of the colliery, that they are members of Krantikari Koyala Mazdoor Sangh, that the employers are very much hostile to the union and when they became aware that the 2 affected workmen were members of the union they stopped them from work malaafdelly and in contravention of the standing orders and that the 2 affected workmen require to be reinstated in their respective jobs with continuity of service and full back wages for the period of their unjust unemployment. The employers filed their written statement raising a legal objection at the outset against sustainability of the reference. On merits the defence pleaded is that both the affected workmen absented themselves from duty respectively with effect from 6th May, 1968 and 2nd April, 1968 without leave of absence or without any intimation to the management, that the management decided to take a lenient view of the offence committed by the 2 affected workmen and instead of taking disciplinary action by issuing of charge-sheet and drawing up departmental proceedings, decided to keep them on badli list, that the management registered names of the 2 affected workmen in the badli list so that at a future date, if the 2 affected workmen so desired, may rejoin in employment, that the management of the colliery did not stop the affected workmen from work and that, as such, the action of the management was justified and the workmen were not entitled to any relief. The workmen were represented by Shri Prasanta Burman, Secretary, Krantikari Koyala Mazdoor Sangh and the employers by Shri P. K. Bose, Advocate. On admission by the employers, Exts. W. 1 and W. 2 for the workmen and on admission by the workmen, Ext. M. 1 for the employers were marked. On behalf of the workmen 2 witnesses were examined and Ext. W. 3 was marked. The employers also examined 2 witnesses and marked Exts. M. 2, M. 2(a) and M. 2(b).

4. The legal objection pleaded by the employers is that the dispute involved in the reference is not an 'Industrial dispute' in terms of the Industrial Disputes Act, 1947, inasmuch as the dispute is not espoused by a substantial number of workmen nor have they authorised the union to sponsor the dispute on their behalf. The term 'industrial dispute' is defined in Section 2(k) of the Industrial Disputes Act, 1947 thus:—"Industrial Dispute means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person." In the present case the 2 affected workmen were permanent employees in the colliery. In para 2 of their statement of demands the workmen had pleaded that the 2 affected workmen were permanent employees. This plea is not denied by the employers. According to the employers the names of the 2 affected workmen are registered in the badli list, which only means that their permanent employment is terminated. The dispute in respect of termination of service of the 2 affected workmen is sponsored by Krantikari Koyala Mazdoor Sangh. It is to be seen if the Krantikari Koyala Mazdoor Sangh could espouse the dispute in respect of the 2 affected workmen. The failure report of the Assistant Labour Commissioner (C)-II dated 23rd September, 1968 accompanying the order of reference shows that the Secretary, Krantikari Koyala Mazdoor Sangh had raised the dispute in this regard. WW. 1 is the Secretary of the Krantikari Koyala Mazdoor Sangh from 1968. He had brought to the Tribunal the original membership register of the Krantikari Koyala Mazdoor Sangh and showed the name of the affected workman at Sl. No. 1 on page 55 and the name of the affected workman No. 2 at Sl. No. 56 at page 56, proving thereby that the 2 affected workmen were members of the Krantikari Koyala Mazdoor Sangh in 1968. The extract of the membership register to the extent of the 2 affected workmen is Ext. W. 3. The witness has deposed that the extract was compared by him with the register and it was correct. No cross-examination is directed to elicit that Ext. W. 3 is not a true extract or the original membership register or it can not be relied upon. It is argued for the employers that the original membership register does not bear signature of the auditor. Firstly, no rule is referred to under which signature of the auditor is necessary on the register. Secondly, the witness WW. 1 has explained that the register is audited on the basis of the extract prepared of it by the auditor himself. It is argued that the Secretary of the Union was not competent to raise the dispute and only the General Secretary could do it. But the constitution of the union is neither summoned nor produced. An objection also is raised that the counterfool receipt books are not produced to show that the affected workmen had

paid their subscriptions. WW. 2, the affected workman No. 1 has stated in the cross-examination that he was given receipts for paying his subscriptions but he did not bring them to the Court. The Employers did not insist that the receipts should be produced. That apart, there is absolutely no rebuttal to the evidence of WW. 1 and Ext. W. 3. There is no reason why the evidence of WW. 1 should not be believed. Before the Assistant Labour Commissioner (C) Dhanbad the dispute was raised by the Secretary, Krantikari Koyala Mazdoor Sangh and the employers had opportunity to challenge Krantikari Koyala Mazdoor Sangh or its Secretary to raise the dispute regarding the 2 affected workmen. But they did not raise any such objection. The only thing contended on their behalf was that the union was an unrecognised one. The non-recognition of the union has no bearing on its capacity to espouse the cause of the 2 affected workmen under the Industrial Disputes Act, 1947. Further, as I have already pointed out the dispute virtually relates to termination of service of the 2 affected workmen. Under Section 2-A of the Industrial Disputes Act, 1947 where an employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. Even if it is assumed that Shri Prasanta Burman, Secretary, Krantikari Koyala Mazdoor Sangh is not properly authorised by the affected workmen the reference has to be decided on its merits and it cannot be dismissed for default of appearance of both or either of the two affected workmen. In this view I find no substance in the legal objection raised on behalf of the employers. It is over-ruled.

5. It is an admitted position that the 2 affected workmen did not work with effect from 6th May, 1968 and 2nd April, 1968 respectively in their jobs. The case of the workmen is that the 2 affected workmen were stopped from work by the management, while the plea of the employers is that the 2 affected workmen absented themselves without leave or intimation. The workmen tried to show by examining WW. 2 that he was stopped from work by the attendance clerk, Shri Umesh Babu because he did not oblige Shri Tarini Babu, Cashier by giving his L.T.I. on a blank paper. In rebuttal the employers examined Shri Tarini Prasad, MW. 2 to deny that he had asked WW. 2 for his L.T.I. on a blank paper. They have also examined the then Manager, MW. 1 to show that he had not stopped the affected workmen from resuming their duty. This evidence has no value, inasmuch as the written statement of the workmen has no mention in it about the incident and it appears to me purely an afterthought. This apart, the reference clearly mentions that the 2 affected workmen were stopped from work and the only question referred for adjudication is justification or otherwise on the part of the management in stopping the 2 affected workmen from work. In this view it is not open to this Tribunal to go beyond the terms of reference and probe into the question whether the affected workmen were stopped from work or not. I have to start from the basis that the 2 affected workmen were stopped from work by the management. For this view I find ample support in the decision of the Supreme Court in Delhi Cloth and General Mills Co. Ltd. Vs. Their workmen and others (1967-1-L.L.J. 423). The only justification pleaded by the employers is that the 2 affected workmen had absented and as such their services were terminated and their names were put in the badli list. The action of the employers should be justified either by the standing orders or any other law. Under Section 1 of the Industrial Employment (Standing Orders) Act, 1946 the Act applies to every industrial establishment in the whole of India, except the State of Jammu & Kashmir, wherein 100 or more workmen are employed. It is not in dispute that the Act applies to Simlabahal Colliery of the employers. MW. 1, who was once the Manager of the colliery has admitted that there were standing orders applicable to the colliery. But the employers have not produced the standing orders for the reasons best known to them. MW. 1 says that without reference to the standing orders he could not name the provision regarding badli workmen. Under Section 12-A of the Act there is reference to the Model Standing Orders prescribed under Schedule I of the Rules. These Model Standing Orders, under Rule 3 are the basis on which the standing orders should be framed. According to the rules 'badli' is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent. Under Rule 9(3) if the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he returns within 8 days etc. Under Rule 14(3) misconducts for which disciplinary action can be taken and the employee can be dismissed are enumerated and absence without leave for more than 10 days is one of the misconducts. It follows that if an employee goes on leave but does not return

within 8 days his lien is liable to be terminated on his job and his name put on the badli list and no further enquiry is necessary. When he absents himself for more than 10 days he commits a misconduct for which under Rule 14(4) a departmental enquiry is necessary. In the instant case the defence pleaded by the employers for putting the names of the 2 affected workmen on badli list is that they absented themselves without leave or intimation. Obviously, if the 2 affected workmen absented themselves without leave or intimation for more than 10 days they should be deemed to have committed a misconduct, but their services could not be terminated before holding a departmental enquiry. It is not the case of the employers that the 2 affected workmen had gone on leave or remained absent beyond the period of leave originally granted or subsequently extended. Hence Rule 9(3) has no application. It is argued for the employers that they had taken a lenient view and instead of holding a departmental enquiry they put the names of the 2 affected workmen on the badli list. Whether this action on the part of the employers is lenient or not is a debatable question. It is manifest that without holding a departmental enquiry they have terminated the services of the 2 affected workmen which they could do only after holding departmental enquiry for committing a misconduct. The result achieved by the employers is the same, namely, termination of their services and putting the names of the 2 affected workmen on the badli list is not material, inasmuch as it is left to the pleasure of the employers to provide work to badli workmen whenever they choose. I find no justification whatsoever in the employers in stopping the 2 affected workmen from work and putting their names on the badli list. It is to be noted that in the statement filed by them the employers had stated that they had put the names of the 2 affected workmen on the badli list "so that at a future date if the 2 workmen so desire may rejoin in employment." But inspite of the grievance of the 2 affected workmen having been agitated before the Assistant Labour Commissioner and the Tribunal the employers have not come forth with the offer of the previous jobs to the 2 affected workmen. It does not show bonafides on the part of the employers and probablises that they have victimised the 2 affected workmen for their being members of Krantikari Koyala Mazdoor Sangh, as pleaded by the workmen.

6. I, therefore, find that the management of Simlabahal colliery, Post Office, Jharla (Dhanbad) was not justified in stopping from work Sarvashri Prabhu Shaw, Surface Trammer and Lalji Mahato, Prop Mistry with effect from the 6th May, 1968 and the 2nd April, 1968 respectively, and, consequently, they are entitled to be reinstated in their original jobs with continuity of their service and back wages and other emoluments from the above dates. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Govt. Industrial Tribunal (No. 2), Dhanbad.

[No. 2/198/68-LR.II]

S.O. 2129.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Junewani Manganese Mine of Messrs. Khandelwal Ferro Alloys Limited Kanhan and their workmen, which was received by the Central Government on the 29th May, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

REFERENCE No. CGIT-2/8 OF 1969

Employers in relation to the Junewani Manganese Mine of Messrs. Khandelwal Ferro Alloys Ltd. Kanhan

AND

Their Workmen.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employers.—Shri K. K. Khandelwal, Personnel Officer, M/s. Khandelwal Ferro Alloys Ltd.

For the Workmen.—Shri N. H. Kumbhare, President, Sidhartha Manganese Khadan Kamgar Sangh, P.O. Kamptee, Dist. Nagpur.

INDUSTRY: Manganese Ore.

STATE: Maharashtra.

Bombay, the 23rd May 1970

AWARD PART I

By Order No. 35(19)/68-L.R.I, dated 22nd April, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the Junewani Manganese Mine of Messrs. Khandelwal Ferro Alloys Limited, Kanhan and their workmen, in respect of the matter specified in the Schedule mentioned below:—

SCHEDULE

I. Whether the demand of the workmen employed in the Junewani Manganese Mine of Messrs. Khandelwal Ferro Alloys Limited, Kanhan, for the revision of the wage structure is justified? If so, what should be the wage structure?

(ii) Whether the demand of the workmen aforesaid for grant of sick leave is justified? If so, what should be quantum of the leave?

2. Shri N. H. Kumbhare, President of the Sidharth Manganese Khadan Kamgar Sangh has filed written statement on behalf of the employees at Ex. 1/W on 8th August, 1969. According to him:

(i) The workers employed in the Junewani Manganese Mine of M/s. Khandelwal Ferro Alloys Limited, are paid on piece rate basis. Their earnings depend upon the work of earth cutting and the Manganese Ore extracted from the mines. On an average the workers' earnings do not exceed Rs. 2.00 per day. The wages earned by the workers do not represent even half of the minimum wages.

(ii) Each piece rate worker i.e. unskilled worker be paid Rs. 5 per day or in the alternative wages be fixed as per wage structure fixed by the Wage Board for Coal Mines. The fixation of rate at Rs. 5.00 is in accordance with the recommendations of the Fair Wage Committee and the Awards given by the Industrial Tribunals and Wage Board. The work which the Manganese workers put in and the conditions and hazards to which he is exposed are the same as that of workers in the Coal Mines. It would be, therefore, just and proper to adopt wage structure of Coal Mines.

(iii) The workers in the Manganese Mines should be classified as mentioned below with respective minimum wages:—

	Wage per day
(a) Under ground piece worker	Rs. 6.50
(b) Other underground worker	Rs. 5.50
(c) Surface piece worker	Rs. 5.50
(d) Boulder and Dump Worker	Rs. 5.50
(e) Other worker	Rs. 5.00

(iv) The workers be given paid sick leave. It is the management's moral responsibility to grant the workers paid sick leave. The managements of the Manganese Mines still cling to the outmoded and utterly despicable theory of granting *ex-gratia* sick leave. Sick leave with pay has been recognised as a valuable right of workers by legislation and partly by convention on humanitarian consideration. If such leave is to be without pay the worker will never feel any urge to avail of it for fear of losing wages.

3. Shri R. N. Khandelwal, Director of Khandelwal Ferro Alloys Limited has filed written statement on behalf of the employers at Ex. 2/E. According to him

(i) The reference is not clear. The demands mentioned in the Schedule presuppose categories in respect of whom wage structure will have to be

fixed. As there is no reference made for categories and classification of workers the instant demands cannot be adjudicated.

- (ii) The Mining lease of the Junewani Mines was given to the management in September, 1965. Since then, they have not been making any profit. On the other hand they are losing every year.
 - (iii) During the years 1966—68 when the management suffered losses the average wage paid to each worker was Re. 1.65 per day. Thereafter in view of the statutory provisions of Minimum wages, the same has been raised to Rs. 2.40 per day. As the Minimum Wages have been fixed by the Government there is no question of examining the wage structure or increasing the wage structure unless the reference is for claiming Living Wages.
 - (iv) The categories which were referred to by the Sangh have not been referred in the reference. They are imaginary.
 - (v) The demand as to grant of sick leave to the workers is one which would land the management in further financial losses.
 - (vi) The financial position of the company does not permit any additional burden by way of sick leave. The demands made by the Sangh are entirely misconceived, unjustifiable and liable to be rejected.
4. The company has filed rejoinder at Ex. 3/E. According to the company :
- (i) The persons working on piece rate are engaged by the contractors. They are their employers. The company or the management has nothing to do with them.
 - (ii) Working in the manganese mines cannot be compared with working in the Coal Mines.
 - (iii) The company provides to even piece-rated persons the facilities of giving free patent medicines, fair price shop at controlled prices, free fire wood and arrangements for drinking water, and hutments free of charge.
 - (iv) The comparison of the Manganese Mines with Coal Mines is erroneous and basically wrong. The wage structure of coal mines cannot be adopted in Manganese Mines. Hazards in Coal Mines and Manganese Mines are not the same. In the Coal Mines, the hazards, physical discomforts are very great as compared to the conditions in the manganese mines.
 - (v) The persons working on piece rate in the Junewani mines have no contract of employment with the management. The contractors fix their rates of emoluments. They have not been joined as a party to the reference. Hence this reference is not tenable in law.
 - (vi) There are also time-rate workmen working on the mine. These persons working on time rate may be described as Pump attendant, helper, Compressor Driver, Mate for supervising, Chowkidar for general duty. In addition to them there is a foreman in the employment of the management. In the office there is a clerk as well as a cashier.
 - (vii) The impact of increase in wages and grant of other demands in respect of un-skilled employees on the aforesaid time-rated persons cannot be ignored.
 - (viii) All demands made by the employees be rejected.

5. On the date of hearing Shri W. D. Sugdeo, Ex. 9/W was examined on behalf of the employees at Nagpur on 8th January, 1970 and 10th January, 1970.

6. After the examination of Shri Sugdeo was over the employer gave application, Ex. 11/E. The application is as follows:—

“Application for examining the tenability of the Reference and for appropriate orders.

Employer in this case begs to apply as under:

1. That it has already come on record of the case in the deposition of the Witness Shri Warlu that there is already a Ref. No. 6/53 pending in respect of the demands of the workmen employed in the Manganese mines and the same relates to the mines and the workmen of the Vidarbha region.

2. That in the interest of industrial peace and for respecting the principles of law laid down by the Hon'ble the Supreme Court of India to the effect that wages should be fixed Region-wise, it is necessary to join as parties and to have on record all the interested parties and the parties who are likely to be affected by an award as may be passed in the instant case.

That the employer has already raised in the written-Statement the contention that the Contractors are the necessary parties and that it is necessary to join them as parties to this case.

3. That in the circumstances it is clear that action as contemplated by the provision of S. 10(5) should be taken. The employer therefore craves indulgence of this Hon'ble Court to be at liberty to move the appropriate Govt. accordingly in the interest of justice.
4. The employer submits that on the facts as they are deposed to by the witness of the Workmen, the reference will have to be found to be untenable in law, in the absence of the similar establishments as parties to the instant reference.

Employer therefore prays that this Hon'ble Court be pleased to pass appropriate orders on the aforesaid contentions, in the interest of saving public time and in the interest of justice."

7. As the employer gave application at Ex. 11/E, the workmen were called upon to submit their say.

8. Shri N. H. Kumbhare, President of the Sangh on behalf of the workmen gave reply at Ex. 13/W. That reply is as follows:—

"In reply to an application made by the employer challenging the tenability of the reference, the Union begs to file this reply as under:

1. As to para. 1.—As regards the pending Reference No. 6/55 the same is in respect of those employees whose names are given in the schedule and that the same is not for the manganese industries as a whole. This is evident from the fact that the Manganese Ore India Ltd., which employed largest number of workers is not covered by this Reference, and all other manganese mines barring a few manganese mines to which the Reference is applicable, have been closed.
2. As to para. 2.—It is denied that in the instant reference, the other manganese mines are the necessary party and as regards the contention of the employer that the contractors are necessary parties, it is submitted that the said contention is not well-founded and in case the applicant is not held to be an Employer, the Reference could be dismissed as against this employer but the non-joinder of the contractors would not render this Reference as untenable.
3. As regards para. 3.—It is not within the competence of this Tribunal to grant any such request seeking indulgence of this Honourable Court for purpose of moving the appropriate Government.
4. That the ground on which the tenability of the Reference is challenged, is misconceived and the application therefore liable to be dismissed with costs.*

9. In view of Exhibits at 11/E and 13/W, points for consideration are as follows:—

- (i) Whether similar establishments are necessary parties to this reference?
- (ii) Whether the contractors are necessary parties to this reference?
- (iii) Whether the contractors are liable for the claim made by the employees?
- (iv) What order?

10. My findings are as follows:—

- (i) No
- (ii) Yes
- (iii) Yes
- (iv) As per order.

*Reasons**Point No. (i):*

11. It is contended on behalf of the employers that this reference is not tenable in law in the absence of similar establishments as parties to the instant reference.

12. In order to consider the question whether similar establishments are necessary parties to this reference, it is necessary to refer to Section 10(5) of the Industrial Disputes Act, 1947. Section 10(5) of the Industrial Disputes Act, 1947 is as follows:—

“Where dispute concerning any establishment or establishments has been or is to be referred to a Labour Court, Tribunal or National Tribunal under this Section and the appropriate Government is of opinion whether on an application made to it in this behalf or otherwise that the dispute is of such a nature that any other establishment, group or class of establishments of similar nature is likely to be interested in, or affected by such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments.”

13. It is clear from the above provision that it is for the appropriate Government to include in the reference any establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in the establishment, group or class of establishments, if it is of the opinion that the dispute is of such a nature that any other establishment, group or class of establishments of similar nature is likely to be affected by such dispute. In the present case the appropriate Government has not included any other establishment either suo motu or on an application made to it in this behalf. If the appropriate Government has not included any other similar establishments in this reference it will not make the present reference invalid. It is open to the Government to include any other similar establishments at any time before the submission of the Award.

14. Similar establishments are not necessary parties to this reference because the employee in this case are not concerned with those establishments and because they have got no claim against those establishments. At the most similar establishments may be proper parties.

15. A careful perusal of the provision of the Industrial Disputes Act, referred to above, clearly shows that similar establishments are not the necessary parties and that the reference in question will not be untenable, in the absence of similar establishments as parties to this reference.

16. It is open to the employers to move the Government at any time for impleading similar establishments in this reference before the submission of the Award.

17. In short, considering the arguments advanced on behalf of both the parties I am of the view that similar establishments are not the necessary parties to this reference. Hence my finding on Point No. (i) is in the negative.

Point Nos. (ii), (iii) and (iv):—

18. It is contended on behalf of the employers that the persons working on piece rate in the Junewani Mines have no contract of employment with the management and that the contractors fix their rates of emoluments. It is further contended that as the Contractors have not been joined as a party to the reference, the same is not tenable in law.

19. In the present case, Shri W. D. Sugdeo was examined at Ex. 9/W on behalf of the employees. In his cross-examination he admits as follows:—

“There is one Contractor by name Shri Thakur in Junewani Mine who is engaged by Khandelwal. There is also another contractor Shri M. A. Kedar. He is also engaged by Khandelwal. I did not see how many workers there were of each contractors.

I made enquiry among workers in the mine as to who employed them and who are paying them wages. I was told that they were employed by contractors and that contractors were paying them wages.”

20. On the admission of Shri Sugdeo, it is crystal clear that the workers employed in the mine are engaged by the contractors and that they are paid by the contractors.

21. The employers have produced certain documents on record. Ex. 4/E is a copy of Indenture of Raising Contract, between M/s Khandelwal Ferro Alloys Limited and Shri Ramraji Thakur.

22. Paras. 3 to 6 in Ex. 4/E are as follows :—

"3. Party No. 2 shall engage and employ such labourers who are approved by the Mines Manager or the Agent of Party No. 1.

4. Party No. 2 shall be responsible for payment of wages to their labourers for raising of Manganese ore and earth-cutting and development as per existing Payment of Wages Act, Mines Rules and Regulations and pay to his labourers Minimum Act Wages. In case the average earning of the labourers employed by Party No. 2 falls below the minimum wages, the payment of such difference will be made good by Party No. 1 and deducted from the bills of Party No. 2.

5. Party No. 2 shall be responsible for all dues, due to the labourers employed by him such as regular wages, leave wages (including paid holidays etc.) maternity benefit, workmen compensation, retrenchment compensation, Bonus etc. If any claim arises out of non-payment of such dues, Party No. 1 shall be at liberty to pay such claims and recover the same from Raising bills or Security deposit of Party No. 2.

6. The labourers employed by Party No. 2 at the said mines shall be the employees of Party No. 2 and Party No. 1 shall not be liable for payment of any liability arising out of employment of such labourers or staff of Party No. 2."

23. The terms of agreement between the Company (Party No. 1) and its contractor (Party No. 2) mentioned above clearly show that the employees employed by Party No. 2 in the said mine shall be the employees of Party No. 2. In view of this specific agreement, there can be no doubt that piece rate workers are the employees of the contractors.

24. Para 5 of the agreement referred to above clearly shows that the contractor shall be responsible for all the dues due to the labourers employed by him such as regular wages, leave wages (including paid holidays etc.), maternity benefit, workmen compensation, retrenchment compensation, Bonus, etc. It is therefore clear that the contractors are liable for the wages etc. due to piece rate workers.

25. As the piece rate workers are the employees of the contractors and as the contractors are liable to pay the dues of the piece rate workers, I am of the view that the contractors are necessary parties to this reference. They are also liable for the claim made by the employees.

26. It also appears from para. 3 of the agreement referred to above that the contractors can employ only such labourers who were approved by the Mines Manager or the Agent of Party No. 1. Para. 4 of the agreement referred to above shows that in case the average earning of the labourers employed by the contractor falls below the minimum wages, the payment of such difference will be made good by Party No. 1 and deducted from the bills of Party No. 2. Para. 5 of the agreement referred to above shows that if any claim arises out of non-payment of dues such as regular wages, leave wages (including paid holidays etc.), maternity benefit, retrenchment compensation, Bonus, etc., Party No. 1 shall be at liberty to pay such claims and recover the same from Raising bills or Security deposit of Party No. 2.

27. It is clear from the above mentioned paragraphs of the agreement that Party No. 1 is also responsible for the claims of the employees to some extent. It means that contractors as well as Party No. 1 are responsible for the dues of the employees. The contractors in question are not independent contractors.

28. The next point is whether this Tribunal is competent to bring the contractors on record as parties under the provisions of the Industrial Disputes Act, 1947.

29. In order to consider the question, whether the contractors who are necessary parties to this reference and who are liable for the claims of the employees alongwith the company can be made parties to this reference, it is necessary

to refer to Section 18 of the Industrial Disputes Act, 1947. Section 18 of the Industrial Disputes Act, 1947 is as follows:—

"18. Persons on whom settlements and awards are binding :—

- (1) A settlement arrived at by agreement between the employer and workmen otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement.
- (2) Subject to the provisions of sub-section (3) an arbitration award which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.
- (3) A settlement arrived at in the course of conciliation proceedings under this Act or an arbitration award in a case where a notification has been issued under sub-section (3-A) of Section 10-A or an award of a Labour Court, Tribunal or National Tribunal, which has become enforceable shall be binding on—
 - (a) all parties to the industrial dispute;
 - (b) all other parties summoned to appear in the proceedings as parties to the dispute unless Board, Arbitrator, Labour Court, Tribunal or National Tribunal as the case may be, records the opinion that they were so summoned without proper cause;
 - (c) where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;
 - (d) where a party referred to in clause (a) or clause (b) is composed of workmen all persons who were employed in the establishment or part of the establishment, as the case may be to which the dispute relates on the date of dispute, and all persons who subsequently become employed in that establishment or part."

30. Section 18(b) has been considered by their Lordships of Madras High Court in the case between Radhakrishna Mills Ltd. Coimbatore and Industrial Tribunal, Madras and others reported in 1954, I, L.J., page 295. In that case it has been observed as follows:—

"Section 18(b) of the Act necessarily implies that parties other than the original parties to an industrial dispute can be summoned as parties to the proceeding. Therefore by necessary implication there is vested in the industrial tribunal a power to add any person or establishment whose presence is necessary or proper for the due and just adjudication of the disputes and make them parties to the proceeding. Clause (b) of S. 18 when it speaks of all other parties summoned to appear in the proceeding as parties to the dispute, necessarily implies that some persons other than the original parties to the dispute or persons whom the State Government had subsequently added under S. 10(5) summoned in order that the award may become enforceable and binding on those parties also. Section 18(b) is similar to order 1, rule 19(2) of Civil Procedure Code."

31. In the case between P. G. Brookes and the Industrial Tribunal, Madras and others reported in 1953, II, L.J., page 1, it has been observed as follows:—

"While Section 18(a) of the Act deals with all parties (to the reference) to the industrial dispute, Section 18(b) refers to all other parties summoned to appear as parties in the dispute. This necessarily implies that parties other than the original parties to an industrial dispute can be summoned as parties to the proceeding. Such parties can be summoned at the instance of a party or *suo motu* by the tribunal by issuing notice to them. It must be held that Section 18(b) by necessary implication gives power to the tribunal to add parties."

32. Relying on the above mentioned two rulings, I hold that Section 18(b) by necessary implication gives powers to this tribunal to add parties. I, therefore, hold that this Tribunal has got jurisdiction to implied contractors as parties to this proceedings *suo motu* or on the application of any party.

33. Shri Kumbhare, President of the Sangh contends on behalf of the employees that in case the applicant is not held to be an employer, the reference could be dismissed as against this employer but the non-joinder of the contractor would not render this reference as untenable. I am unable to accept this contention.

34. In the absence of contractors on record, the award in this reference will not be binding on them. As they are necessary parties and as they are liable for the dues of the employees alongwith the company, it is necessary to bring them on record. If the reference is dismissed for not bringing the contractors on record, it will have the effect of delaying litigation. To avoid multiplicity of litigation, I direct that the parties concerned should give the names and addresses of the contractors of the company for issuing them summons. Hence my findings on Point Nos. (ii), (iii) and (iv) are as above.

35. In the end I pass the following order:—

ORDER

- (i) It is hereby declared that the contractors appointed by M/s. Khandelwal Ferro Alloys Limited in their Junewani Manganese Mine are necessary parties to this reference.
- (ii) M/s. Khandelwal Ferro Alloys Limited, Kanhan are directed to give names and addresses of the contractors appointed by them in their Junewani Manganese Mine within one month from the date of publication of this Award in the Official Gazette.
- (iii) On receipt of necessary information summons be issued to the contractors concerned.
- (iv) Award Part I is made accordingly.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal No. 2,
Bombay.

[No. 35(19)/68-LR-IV.]

New Delhi, the 6th June 1970

S.O. 2130.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial dispute between the employers in relation to the management of Messrs Bengal Coal Company Limited, Post Office Dissergarh, District Burdwan (West Bengal) and their workmen, which was received by the Central Government on the 25th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 1 OF 1970

PARTIES:

Employers in relation to the management of Messrs Bengal Coal Company Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer

APPEARANCES:

On behalf of management—Sri D. Narsingh, Advocate.

On behalf of workmen—Sri Giridhar Mukherjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/75/69-LRII, dated December, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Messrs Bengal Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Messrs Bengal Coal Company Limited, Santoria, District Burdwan (West Bengal) was justified in terminating the services of Shri Shyamapada Bandi, Clerk with effect from the 11th February, 1969? If not, to what relief is the workman entitled?"

2. The case made by the workman, in his written statement, may be briefly summarised as hereinbelow stated. The workman feel indisposed for a few days in the month of February 1969 and was getting himself treated in a hospital, known as the Sanctoria hospital, run by the employer Company. After about seven days of treatment in the outdoor department, he was told by Dr. B. B. Mukherjee of the hospital that he was medically unfit to perform his duties. Nevertheless, he says, he went to his department to report for duty but was not allowed to resume. He makes the grievance that:

"He was not given anything in writing by the medical officer Dr. B. B. Mukherjee or the Superintendent, Medical Service, Sanctoria hospital that he was medically unfit. Uptill now he has not been given any verdict of any medical office in writing about his medical unfitness."

In paragraph 3 of the written statement, he states further that his attempts for being allowed to resume his duties went unheeded. On his initiative, he says, the matter was referred to the Assistant Labour Commissioner (C), Asansol, for conciliation. According to him, as he states in paragraph 4:

"During the discussion the ALC(C) requested to the representative of the company Shri B. N. Lala to come into the basis of an agreement by providing two of my sons with employments in which one should be given proper employment on the surface and the other should be given under ground jobs, and my gratuities, etc. to be paid at the earliest. Moreover the management took a lot of time in dilly-dallying and finally turned down the requests made by the Assistant Labour Commissioner (C) Asansol."

In paragraph 5 of the written statement, he pleads that he has been found medically fit by the Chief Medical Officer and the Medical Specialist of the Sadar Hospital at Purulia. He claims:

- (a) for declaration that the termination of his service is unjustified.
- (b) for a direction of reinstatement in his former post.
- (c) for payment of back wages and allowance for the period of his forced unemployment.

3. The management also filed a written statement. In paragraph 2 of the written statement it was disputed that the workman became indisposed for a few days only in February, 1969. It was stated in the same paragraph:

"He had also been ailing for some time before February, 1969, and had been under the treatment of doctors of the Company's Sanctoria Hospital. He was examined on 10th February, 1969, by two doctors of the hospital, namely Doctors G. S. Basak and C. R. Mahata, who were treating him. They found him unfit for further work. On the same day he was also examined by Dr. B. Mukherjee, a Specialist, who also concurred with the opinion of the other two Doctors. All the doctors had accordingly advised him on the very day that he was found unfit for further service. His services were, therefore, terminated from the following day, though he was paid his wages for the entire month of February, 1969."

In paragraph 3, 4 and 5 of the written statement, the management stated, the workman himself admitted that he was bedridden and asked for continued free treatment, in the hospital, for the malady from which he was suffering. The management acceded to his request to this extent that his application for further treatment would be considered when the occasion would arise. In paragraph 6 of the written statement the management took up the stand that since the services of the workman stood terminated on medical ground, there was no question of allowing him to resume duty. It was however stated, in paragraph 7 of the written Statement:

"It is, however, submitted that two of his sons were already in the employment of the Management when his service was terminated. A third son was also employed under the Management till some time before the workman was discharged and but could not get on with his job. He was, however, given another chance by the Management's letter dated 22nd February 1969, but he did not prefer to accept the offer. Although the Management had no rules for payment of gratuity and the workman was not entitled to it as a matter of right, he was offered on *ex-gratia* sum of Rs. 3,400/- in view of his long service. He has, however, not availed of that offer despite several reminders. It is

further submitted without prejudice that it was not a condition of service of the workman that on the termination of his services, his sons would be employed the Management, though it tried to accommodate his desire as far as possible."

With regard to the medical certificate given by the Purulia doctors the management stated in paragraph 8 of the written statement:

"It is, however, further submitted that the reference to an alleged medical examination on any subsequent date is not relevant for the determination of the specific issue referred to the Tribunal for adjudication. No medical certificate from any Doctor was produced by the workman before the Management before his services were terminated, apart from the further submission that it is not obligatory on the Management to accept a particular medical certificate in preference to the certificate granted by its own Medical Officers after examining the workman."

This is in short the substance of the pleadings, which I need bear in mind.

4. The question referred to me need be examined from two aspects. Firstly, whether the management at all had the right to terminate the services of the workman on the ground of medical unfitness and secondly, whether he was really and in fact medically unfit for service.

5. Now, so far as the first aspect of the question is concerned, the position of law is that every contract of employment carries with it the implied term that the employee shall work and the employer shall pay. Premature retirement on medical grounds is often provided for in the service rules, Standing orders or Contracts of service. But even in the absence of any such express provision there is the implied provision to the same effect. Where for medical reasons an employee become unfit for work, there is a frustration of the contract of employment leading to the discharge from service of the employee. The point came up for collateral consideration by the Supreme Court in the case of *Workmen of Bangalore Woollen, Cotton and Silk Mills Company Ltd. and its management*, (1962) 1 LLJ 213. The context in which the point came up for consideration was whether ten workmen, who had been discharged on the ground of health were entitled to retrenchment compensation. Holding that the ten workmen were not entitled to retrenchment compensation, Sarkar J, (as he then was) held at pp 216-17:

"Now when a workman is discharged on the ground that he is medically unfit, as happened in the case of the ten workmen with whom alone we are concerned in this appeal, it cannot be said that they had been discharged on the ground that their services were no longer required; on the contrary, they were not in a fit condition of health to continue in service at all. Their physical condition prevented them from rendering the service for which they had been employed. The reason for their discharge was that they could not render the services required of them and which under the contracts of service they were bound to render. Their services cannot be said to have been terminated on the ground that such services were not required.

* * * * *

The definition makes "retrenchment", a termination of service. It seems to us that a service cannot be said to be terminated unless it was capable of being continued. If it is not capable of being continued, that is to say, in the same manner in which it had been going on before, and it is therefore, brought to an end, that is not a termination of the service. It is the contract of service which is terminated and that contract requires certain physical fitness in the workmen. Where, therefore, a workman is discharged on the ground of ill-health, it is because he was unfit to discharge the service which he had undertaken to render and therefore it had really come to an end itself."

I also quote hereinbelow an extract from the judgment of the Mysore High Court in *Spencer and Co. Ltd. vs. Industrial Tribunal* 1965 11 LLJ 1 (at page 1), which I think is of relevant consideration:

"No person faced with the risk of his life can be expected to perform his duties in the normal manner. Therefore, he cannot be fit for the performance of his duties. The risk of life to the employee resulting

from the condition of health normally renders such employee unfit for work and is not the concern solely of the employee himself. It is as much the concern of the employer, in the interests of the industry. The only relevant consideration is the fitness or unfitness of the employee as certified by the medical officer. The submission of Sri G. Maheshwarappa that the employee would rather risk his life than be without employment has no basis in any principle which can be accepted. It would be unnatural to expect any employer to continue an employee who is declared unfit for the service on medical grounds to permit him or compel him to discharge his duties."

The observations quoted from the above two judgments go to support the proposition that where a man is much too ill to work, he must not be made to work, although he may be willing to sacrifice himself in the alter of work, either for personal gain or in the spirit of public service. That apart, when a man is unable to work no employer need employ him for nothing and pay him all the same. In such circumstances, the contract of employment comes to an end and may be rightly lead to the discharge of the employee from service. I therefore hold that where the circumstances are such that the workman is unable to work, incapacitated as he is on medical grounds, it is within the power of the employer to discharge him from his services.

6. I next turn to the other aspect of the matter whether the concerned workman was really so ill as to be rendered medically unfit for work. On this point, I have in the first place, the evidence of Dr. G. S. Basak, Medical Officer of the Sanctoria hospital. This doctor had occasion to examine Shyamapada Bandi, the workman, when he was being treated in the hospital. According to this doctor, Shyamapada Bandi was ailing from "breathlessness on slightest exertion". In the technical language used by this doctor, the concerned workman was suffering from "emphysema lungs", a type of deficiency in the lungs, and the disease made him unfit for work, even for indoor duties. The doctor explained that exertion in that state of health might lead to his heart failure. Dr. Basak was sufficiently corroborated by his colleague Dr. C. R. Mahata, the Resident Medical Officer at Sanctoria hospital. Both these doctors were also corroborated by Dr. B. B. Mukherjee, M.R.C.P., who expressed the following written opinion about the physical condition of the workman, "emphysema lungs, unfit for work due to lung condition, old age and general disability" (*vide* Ex. J(1)). The outdoor ticket Ex. J and J(1) corroborated what was stated by the Medical witnesses, Dr. Basak and Dr. Mahata in their evidence. It was suggested to the doctors, in cross-examination, that they did not examine the concerned workmen at all but another doctor of the name of Dr. N. C. Banerjee did. In support of this contention the workman relied on an outdoor ticket, Ex. 2, said to have been written by Dr. N. C. Banerjee, also a Medical Officer in Sanctoria hospital. I do not see how this document helps the workman. This document was said to have been issued to the workman on February 10, 1969. The date was not admitted by the management but I shall proceed on the basis that the document bears the date February 10, 1969. In Ex. 2, the malady of the workman was described as "emphysema lung. poor general health". Certain drugs were prescribed for his treatment and it was written "letter follows". This document may be explainable on the theory that after the concerned workman had been declared as unfit, Dr. Banerjee prescribed certain drugs for him and indicated that a letter about his unfitness for service would follow. At any rate, the document does not go to demolish the evidence of Dr. Basak and Dr. Mahata and also Ex. J series. Further, it appears from the workman's own documents that he was very ill and unfit for work. Herein below, I set out some samples from his letters: (a) Ex. C, letter written by the workman to the Superintendent, Administration, dated 31st March, 1969:

"I am declared unfit by the M.O. Sanctoria hospital on 10th February, 1969 and I am confined to bed from that very date. The disease with which I have been suffering from has not yet been cured and this entails great trouble." (Underlined by me).

(b) Ex. F, letter from the workman to the Superintendent, Medical, Sanctoria Hospital, dated 19th March, 1969:

"I have already (been) declared unfit on 10th February, 1969 by you and my tickets are kept in your office from that very date. So I request your kind honour to return me all tickets for continuing further treatment." (Underlined by me for emphasis).

(c) Ex. H, letter written by the workman to the Superintendent, Administration, dated 19th February, 1969:

"I have no patron or means by which I shall be able to maintain my family. Circumstances forced me to continue my office even at the risk of losing my life." (Underlined by me for emphasis).

After all these, I can make little of the claim made by the workman in his evidence that he was in a position to carry on the work of a clerk as before. He was confronted with the description of himself as in Ex. F quoted above. The only explanation he could think of was that he was forced to write the letter, an explanation which does not appeal to me.

7. I therefore rely on the medical evidence in this case and hold that the workman was really unfit for work, namely, even for indoor work as a clerk and to employ him further may mean to risk his life. The workman himself appeared before me to give evidence. He looked very much enfeebled and worn out and almost a decrept creature. I have not, however, proceeded on my personal estimate of the workman's physical condition. My findings are based on the evidence.

8. It was argued before me by Mr. Giridhar Mukherjee, learned Advocate for the workman, that the order of termination of service was retrospective in operation and was therefore bad. Now, law on this point is well settled, namely, where the retrospective portion of the order of termination can be separated from the prospective portion, the prospective portion of the order should be upheld, although the retrospective portion may be condemned. In the instant case, the management pleaded that the workman was found to be medically unfit on February 10, 1969 and "his services were, therefore, terminated from the following date, though he was paid wages for the entire month of February, 1969. The letter of termination which was filed before the Tribunal is Ex. A, dated May 31, 1969, and reads as follows:

"Estates Retrenchment Gratuity

Please refer to my letters Nos. ZS/4913/69, dated 21st March, 1969, ZS/5248/69 dated 24th March, 1969, ZS/6610/69 dated 15th April, 1969 and ZS/7115/69 dated 21st April, 1969.

You are aware that you have been declared medically unfit to continue your duty and therefore your services have been terminated on medical ground with effect from the 10th of February, 1969.

Since you have not yet vacated Company's quarters occupied by you despite repeated reminders, you are hereby finally requested to make over vacant possession of the Company's quarters to the Maintenance Department of the Company within 15 days of the date of this letter, failing which I shall have to take such legal action against you as I am advised to do."

Whether this was the earliest letter or other letters of termination of service had preceded do not appear. I shall take it, in the absence of evidence, that this was the first letter of termination on medical ground. If that be so, then the termination of service cannot take effect from any date earlier than May 31, 1969 and in that event the workman is entitled to wages for the months of March, April and May. He is also entitled to Rs. 3,400 sanctioned as retirement gratuity and evidenced by Ex. E.

9. In the result, I hold that the management of Messrs. Bengal Coal Company Limited, Sanctoria, was justified in terminating the services of Shri Shyamapada Bandi, Clerk, with effect from 31st May, 1969 but not with effect from 11th February, 1969. The workman is, therefore, entitled to wages for the months of March, April and May 1969, it being admitted that the wages for February, 1969 was paid to him. He is also entitled to Rs 3,400 as gratuity sanctioned in his favour for discharge on medical grounds. He is entitled to no more relief.

This is my award.

Dated, May 16, 1970.

(Sd.) B. N. BANERJEE,
Presiding Officer.

[No. 6/75/69-LRII.]

S.O. 2131.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company, Post Office Salanpur, District Burdwan and their workmen, which was received by the Central Government on the 25th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 5 OF 1970

PARTIES:

Employers in relation to the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers:	} Absent
On behalf of Workmen:	

State: West Bengal

Industry: Coal Mines

AWARD

By Order No. 1/19/69-LRII, dated January 20, 1970, the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour Employment), referred the following industrial dispute between the employers in relation to the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company, Post Office Salanpur, District Burdwan is justified in not introducing wage structure and other benefits in accordance with the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India, in their Resolution No. WB-16(5)/66, dated the 21st July, 1967? If not, what should be the wage structure and other benefits in respect of the workmen concerned and from which date?"

2. From the very inception, both the management and the workmen were conspicuous by their absence before this Tribunal. They did not file their written statement in spite of notice. They did not appear on the date fixed for settling a date for peremptory hearing. On April 30, 1970, the date fixed for settling a date for peremptory hearing, the following order was passed:

"Nobody appears either on behalf of the management or on behalf of workmen.

To May 22, 1970 for peremptory hearing. All documents must be filed before the date fixed for peremptory hearing with notice of the list of documents filed served on the other side. Parties must come ready on the date of hearing with their witnesses. No adjournment will be granted on the date fixed for peremptory hearing.

Inform parties by registered post."

The information about the peremptory date of hearing was received by the workmen's union on May 5, 1970, as is evidenced by the postal acknowledgement receipt.

3. To-day the management did not appear. Somebody, describing himself to be a peon of the Colliery Mazdoor Union, came with a written statement, alleged to be the written statement of the workmen, and a petition for adjournment. The peon was not in a position to explain the circumstances under which the adjournment petition was made. The material portion of the petition of adjournment reads as follows:

"1. That the above case is so long being conducted by S. Das Gupta, Secretary, Indian National Mine Workers Federation of which this Union

is affiliated. For the better interest of the Workmen related to this Reference and also for fair adjudication our Union felt, that the case should be conducted by Sri Das Gupta before the Hon'ble Tribunal.

2. Suddenly, this morning Sri Das Gupta expressed his inability over phone, to attend the Tribunal for his illness, as such we pray a short adjournment of hearing in this case."

Nobody moved this petition. It is not explained why Sri Provat Goswami, the General Secretary of the Colliery Mazdoor Union, does not appear to conduct the case on behalf of the workmen. It is not explained why the appearance of Sri S. Das Gupta is so very indispensable. Sufficient notice had been given to the parties that no adjournment will be granted on the date fixed for peremptory hearing. I do not feel impressed by the grounds pleaded in the petition for adjournment and reject the prayer.

4. Since neither party expresses willingness to proceed with the reference, I present that they are not serious about the dispute at the present moment. I, therefore, record a 'no dispute' award in the present Reference.

Let the written statement, alleged to be filed on behalf of the workmen, be kept on the record.

Dated May 22, 1970.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 1/19/69-LRII.]

S.O. 2132.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 to 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Nagpur, in the industrial dispute between the employers in relation to the managements of (1) Rayatwari Colliery, Chanda, (2) Kamptee Colliery, Post Office Kamptee (District Nagpur), (3) New Majri Colliery, Post Office Majri Khadan, District Chanda (4) Messrs Ballarpur Collieries Company, Nagpur and (5) Sasti Colliery, Nagpur and their workmen, which was received by the Central Government on the 30th May, 1970.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT NAGPUR
REFERENCE (CGT) No. 7 of 1969

PRESENT:

Shri G. V. Dee, B.A., LL.B., Presiding Officer.

PARTIES:

The Employers of—

1. Rayatwari Colliery, Chanda,
2. Kamptee Colliery, Post Office Kamptee, (District Nagpur).
3. New Majri Colliery, Post Office Majri Khadan, District Chanda,
4. Messrs Ballarpur Collieries Company, Nagpur.
5. Sasti Colliery, Nagpur..... *Employers First Party.*

Vs.

Their workmen,

Employees Second Party.

APPEARANCES:

For Employers, First Party:—Shri P. K. Kumar, Officer in Personnel Dept. for Messrs Ballarpur Collieries Company, Nagpur.

For Workmen Second Party:—Shri S. W. Dhabe, Advocate.

INDUSTRIES: Colliery.

Nagpur, Dated the 13th April, 1970.

AWARD

This is a reference under Section 10(i)(d) of the Industrial Disputes Act, 1947 for adjudication of a dispute between the employers of (i) Rayatwari Colliery, Chanda, (2) Kamptee Colliery, Post Office Kamptee (District Nagpur), (3) New Majri Colliery, Post Office Majri Khadan District Chanda (4) Messrs Ballarpur Collieries Company Nagpur & (5) Sasti Colliery, Nagpur and Their workmen.

The dispute relates to the payment of arrears of wages as per recommendations of the Wage Board for Coal Mining Industry, for not paying Variable Dearness Allowance and not granting graded annual increments as per recommendations of the Wage Board.

2. The instant reference is in respect of the 5 Collieries mentioned above. It appears, however, that subsequent to this reference the disputes regarding Ballarpur and Sasti Collieries were referred by the Government to the arbitration of Shri N. M. Koyal, Retired District Judge, Government of Maharashtra, as per Notification No. S.O. 4385 dated 22nd October, 1969 published in the Government of India Gazette dated the 1st November, 1969. The same dispute was thus referred to this Court as well as to the private Arbitration of Shri N. M. Koyal. The Arbitrator Shri N. M. Koyal has since made an Award and the Management of Messrs Ballarpur Collieries Company, Nagpur and Sasti Colliery Nagpur desire that the same Award be made in this reference. Shri S. W. Dhabe, counsel for the workmen has no objection to the making of an award by this Court incorporating the decision of the Arbitrator Shri N. M. Koyal.

3. In view of what has been stated above I make an Award in respect of the Sasti and Ballarpur Collieries as follows:—

- (A) The management shall pay V.D.A. at the rate of Rs. 1.17 with effect from 1st October, 1969.
- (B) The management shall release two annual increments as envisaged in the Coal Wage Board Recommendations with effect from 16th August, 1969. This would apply to such workmen who have qualified for such increments but have not been paid the same. There would be no further claim on this issue.
- (C) The management shall pay the arrears of wages for the period 15th August, 1967 to 31st March, 1968 and of V.D.A. from 1st October, 1969 to 31st December, 1969 in three equal quarterly instalments beginning from 1st February, 1970.
- (D) With the above settlement, there would be no dispute whatsoever remaining between the employers and the workmen regarding the implementation of the Coal Wage Board Recommendations. However, any individual complaints arising out of the implementation of the Wage Board Recommendations would be settled by mutual negotiations.
- (E) Both parties shall bear the expenses as incurred by them and shall not be liable for the expenses of the other party.

4. This reference in so far as it concerns Ballarpur and Sasti Collieries shall stand disposed of. It shall, however, proceed in respect of the other collieries.

Sd/- G. V. DEE,

Presiding Officer.

[No.1/10/68-LRII.]

S.O. 2133.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 28th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 4 OF 1970

PARTIES:

Employers in relation to the management of Messrs Equitable Coal Company Limited.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers:—Shri Monoj Kumar Mukherjee, Advocate.

On behalf of Workmen:—Sri Nikhilesh Das, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines

AWARD

By Order No. 6/79/69-LRII, dated January 3, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the dismissal of Shri Burma Singh, Night Guard, ordered by the Administrative Officer of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan with effect from the 13th August, 1969 is lawful and justified? If not, to what relief is the workman entitled?"

2. Both the management and the workmen, represented by the Equitable Coal Company Limited Employees' Union, filed their respective written statement. On the peremptory date of hearing, namely to-day, however, the parties settled their dispute and filed a joint petition of compromise therein stating the terms of settlement. Since the parties have now settled their dispute and prayed for an award in terms of the settlement, I record the settlement and pass an award in terms of the settlement. Let the petition of settlement form part of this award.

Dated May 20, 1970

Sd/- B. N. BANERJEE,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 4 OF 1970

PARTIES:

Employers in relation to Equitable Coal Company Ltd.

AND

Their workmen.

The parties above named jointly beg to state:

1. That the parties have agreed to settle the dispute under Reference amicably on the following terms:

Terms

(a) That the Order of dismissal against the workman concerned shall stand.

(b) That in consideration of this settlement the Employers shall pay to the workman concerned a sum of Rs. 1,500/- (Rupees one thousand and five hundred only) as *ex-gratia* payment.

2. That the said amount will be paid by the Employers within 10 days to the workman concerned in presence of Sri Samiran Chakraborty, Treasurer of the Union.

3. That the Employers will also pay all other unpaid dues, if any, to the workman, within the said period.

4. That the parties will bear their respective cost of this Reference.

It is, therefore prayed:

That the Hon'ble Tribunal be pleased to permit the parties to settle the dispute on the above terms and to pass an Award accordingly by treating this petition as a part of the Award.

Dated, 20th May, 1970.

(For Workmen)

SAMIRAN CHAKRABORTY, Treasurer
E.C.C. Ltd. Employees' Union.

Advocate for Workmen

A. K. MATHUR,
(For Employers)

Principal Officer.

Manoj Kumar Mukerjee.

20/5/70.

L.T.I. of Burma Singh.

(Workman)

[No. 6/79/69-LRII.]

S.O. 2134.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Orient Colliery of Messrs Central India Coalfields Limited, Post Office Brajrajnagar, District Sambalpur (Orissa) and their workmen, which was received by the Central Government on the 25th May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 3 OF 1970.

PARTIES:

Employers in relation to the management of Orient Colliery of Messrs Central India Coalfields Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Sri P. P. Ginwala, Counsel along with Sri K. P. Mukherjee, Counsel.

On behalf of Workmen.—Sri D. L. Sen Gupta, Advocate.

STATE: Orissa

INDUSTRY: Coal Mines

AWARD

By Order No. 1/9/1969-LR11, dated January 3, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Orient Colliery of Messrs Central India Coalfields Limited and their workmen, to this Tribunal, for adjudication, namely:

"(i) Whether the management of the Orient Colliery of Messrs Central India Coalfields Limited is justified in terminating the employment of Sri G. S. Roy Chaudhury, Short-firer-cum-Mining Sirdar with effect from the 16th December, 1968? If not, to what relief is he entitled?

(ii) Whether the management of Orient Colliery of Messrs Central India Coalfields Limited was justified in terminating the lien of the under-mentioned workers with effect from the dates shown against each? If not, to what relief are they entitled?

1. Shri Sipahi, Trammer	..	26.5.1969
2. Shri Pujan, Trammer	..	26.5.1969
3. Shri Ram Samuj, Trammer	..	23.5.1969
4. Shri Lalay, Trammer	..	26.5.1969
5. Shri Raju, Trammer	..	4.6.1969
6. Shri Santoo, Trammer	..	25.6.1969
7. Shri Ramchandar, Trammer	..	15.6.1969"

2. Both the workmen and the management filed their respective written statement. The workmen were represented by Orient Colliery Shramik Congress, a trade Union of which Sri G. S. Roy Chowdhury, mentioned in item No. 1 of the Schedule to the Order of reference, is himself the General Secretary.

3. I shall, in this award, take up the case of G. S. Roy Chowdhury first of all. The case pleaded in the written statement by the workmen in substance is that the management of the Orient Colliery was a bad type of employer and freely used to adopt unfair labour practice. In order to safeguard the legitimate right of the workmen, a trade union of the workmen, known as the Orient Colliery Shramik Congress, was formed on April 7, 1968 and was registered on April, 29, 1969. The registration of a new trade union, it is alleged in the written statement, annoyed the employer company. In paragraph 6 of the written statement, it is pleaded:

"That the Company initially attempted to dissuade the workmen from joining this union, by show of favour or frown, and ultimately decided to victimise the Secretary of the Union Shri G. S. Roy Choudhury, and create a general sense of insecurity of service in the mind of common workers."

The manner in which he said G. S. Roy Chaudhury was alleged to have been ill-treated is pleaded in paragraph 9 of the written statement, from which I set out the relevant portion:

"That Sri G. S. Roy Chaudhury joined the Company on and from 13th December 1963 and used to rotate in his duty hour every week, in a cyclic order from 1st shift to 2nd shift, second shift to 3rd shift till 17th October 1968, when he was transferred from 1st incline to 3rd incline in his usual shift, i.e. 3rd shift, by written order of the Assistant Manager. Since then at least thrice in a period of 2 months, his normal rotation was disturbed, ***without any justification, in a capricious manner with the motive of harassment and victimisation. It may be worthwhile to state that the Company kept some bad characters in the shift, hostile to the Union and 'Yes' men of the Company, where said Sri Roy Chaudhury was asked to work on and from 16th December, 1968."

G. S. Roy Chaudhury protested against the irregular allotment of shift duties by various letters but the management did not reply thereto until December 28, 1968 (Ext. 8). The above letter from the management was replied to by G. S. Roy Chaudhury in the following language, on December 31, 1968 (Ex. 9):

"With due respect in reference to your letter No.....dated 28th December 1968, which I have received on 30th December 1968 (I) state that I appealed according to your Standing Order for rectification and to allow me to join my usual shift which (were) submitted on 16th December 1968 and also on 17th December 1968 but have been refused employment on 17th December, 1968.

So on 18th December 1968 (I) again urged to your kindness to vacate such order but still have not received such order.

According to terms and conditions of my service and of the Standing order I am to adhere to the provisions of the Mines Act and Rules and Regulations, so (I) have done. The orders issued on 16th December 1968 and on 17th December 1968 on me (do) not comply with the provisions of the Mines Act****"

In paragraph 12 of the written statement, it is pleaded:

"That the Company ultimately by a letter dated 31st January 1969, terminated the services of said Sri Roy Chaudhury on the false and mala-fide plea of 'having abandoned your job voluntarily', on the face of his repeated request to allow him to resume his duty."

This termination of service was characterised as illegal and workmen prayed for relief against such wrongful termination.

4. The management denies, in its written statement, that G. S. Roy Chaudhury was victimised for his trade union activities. It is further stated in paragraph 5:

"the company denies and disputes the contention that the said trade Union was formed on 7th April 1968, as wrongly alleged and puts the opposite party to the strict proof thereof. The company states that as admitted in the said paragraph 5, the said trade Union was registered only on 29th April 1969, that is at a long lapse of abandonment of service of Sri G. S. Roy Chaudhury which was communicated to him by the Company by its registered letter dated 31st January 1969. The Company has reasons to believe that the Union in an improper manner has attempted to make out a wrongful plea that the formation of the said Union is linked with the subject-matter of the wrongful contentions of the opposite party relating to the abandonment of employment of the said eight persons whose names are stated in the present order of reference. The Company specifically denies that the registration of the said trade Union was such to the annoyance and discomfiture of the Company as wrongly alleged. In this connection, the Company states that since the registration of the said trade union, which fact the company came to know for the first time when it received the strike notice dated 19th June 1969, not a single office bearer of the said union was dismissed on any ground."

On the merits of the case pleaded by G. S. Roy Chaudhury, it was contended, in paragraph 8(a) of the written statement:

"the company states that the duty hours in respect of the three shifts as stated therein are correct but there is no condition of service of any worker that their respective duties in each shift should always be

at the fixed rotational basis as wrongly alleged. The Company, however, normally allows the workmen to work on rotational basis that is from 1st shift to 2nd shift, then from 2nd shift to 3rd shift and thereafter from the 3rd shift to the 1st shift but there being no rigidly fixed rotational basis, under exigencies of circumstances for any reason **** the said rotational system are not followed and the workmen concerned are intimated of the changes either verbally or in writing. In this connection, the company craves leave to refer to the records maintained at the said colliery to substantiate that the duty in different shift are not on the rigidly fixed rotational basis as wrongly alleged in the said paragraph. The Company further states that the duty allotted to Sri G. S. Roy Chaudhury, shot-firer-cum-Mining Sirdar, during the period he was employed in the said colliery including the duties allotted to him with effect from 11th November 1968, as alleged in the said statement would clearly show that the duties allotted to Sri G. S. Roy Chaudhury with effect from 11th November 1968 was not at all by way of victimisation as wrongly alleged. The company reiterates that whatever duties were allotted to Sri G. S. Roy Chowdhury either prior or subsequent to 11th November 1968 was on account of the normal and smooth workings at the colliery and not for any other reason as falsely alleged."

The management also pleaded, in paragraph 10 of the said written statement:

"**the company states that the consequences which followed due to the unauthorised absence from duties on the part of Sri G. S. Roy Choudhury were in accordance with the provisions of the certified Standing Orders. The Company reiterates that since 16th December 1968, Sri G. S. Roy Chaudhury having not reported for his duties, the action which followed was the letter dated 31st January 1969 by the Company and as such though the termination of service was due to the act and/or commission on the part of Sri G. S. Roy Choudhury, the company only took part in communicating the consequences in term of the said provisions of the certified standing orders relating to the abandonment of employment by Sri G. S. Roy Choudhury. In the circumstances stated above, the Company states that the issue relating to "termination of service by the company" is not maintainable in law. Further such intimation by the Company being in accordance with the provisions of the Certified Standing Orders, and such action by the Company being bonafide and justified, question of any relief for Sri G. S. Roy Chaudhury cannot arise at all."

5. Now, the modified Standing Orders of the company, which was in operation at the time of the termination of the employment of Sri G. S. Roy Choudhury is an Exhibit in this reference, being Ex. 55(a), and Clause 10(1) of the said Standing Orders reads as follows:

"If the workman absents himself continuously for more than a month without properly approved leave he shall be treated to have abandoned the job voluntarily, and his name shall be struck off from the rolls of the Company."

6. Mr. Ginwala drew my attention to Ex. 1, whereby G. S. Roy Chaudhury was directed to report for duty in the second shift in the 3rd incline, with effect from December 16, 1968, "due to exigency of company's work". As it appears, G. S. Roy Chaudhury did not join in his newly allotted duty. Thereupon, the management wrote to him the following letter (Ex. 3), dated December 17, 1968, couched in the following language:

"Please note that orders issued vide our letter No. O-Gen/29/21, dated 16th December, 1968 hold good. It has been reported that you have not reported for your duty in the second shift of 16th December 1968 and as such you have been marked absent from your duty on the said date. Please note that if you do not report for duty in the 2nd shift, you will be treated absent from your duty. In addition, it shall be treated as your misconduct for disobeying my orders for which also we shall be constrained to take disciplinary action."

Instead of becoming wise by the warning, the workman went on making representations against the allotment of new shift duty to himself. Thereupon, on December 20, 1968 the management addressed to him another letter, Ex. 6, which reads as follows:

"In this connection, please refer to our letter No. O-GEN/29/22, dated 17th December 1968 vide which we informed you that the orders issued

vide our letter No. O-GEN/29/21, dated 16th December 1968 hold good."

The letter had no effect upon the workman and on December 28, 1968 the management wrote to him another letter (Ext. 8) in the following language:

"Despite our letter No. O-Gen/29/22, dated 17th December 1968, we find that you are continuing to absent yourself from your duties with effect from 16th December 1968."

Lastly, Mr. Ginwala invited my attention to the letter removing the name of the workman from the rolls of the company (Ex. 12), dated January 31, 1969, which I set out hereinbelow:

"It is found that you are absentsing yourself from your allotted duty since 18th December 1968 and therefore in terms of the Certified Standing Orders of the Company Clause No. 10(1) you have been treated as having abandoned your job voluntarily and your name therefore is being removed from the rolls of the Company with effect from the date of this letter.

You are advised to hand over immediately the possession of the Company's quarter allotted to you and also any Company's materials lying with you. You should also approach our Accounts Section immediately for the settlement of your dues, if any."

Mr. Ginwala contended that under the Standing Orders, Clause 10(1), any workman who absented him from duty, continuously for more than a month, without properly approved leave, must be treated or deemed to have abandoned his job voluntarily, whether or not he had actually done so, and the automatic consequence of such absence would be that his name shall be struck off from the rolls of the company. In support of this contention, Mr. Ginwala invited my attention to the decision of the Supreme Court in *Buckingham and Carnatic Company Ltd. and Venkatayya and another* (1963) II L.L.J. 638. In that case a workman of Buckingham and Carnatic Company Ltd. went on leave for 6 days with effect from January 10, 1957. Taking into account the intervening holidays, the said leave expired on January 18, 1957. He however did not join on January 19, as he should have, but remained absent without leave and without sending to the appellant any communication for extending his leave. On March 11, 1957, he sent a letter to the management stating that he had fallen ill and was being treated by the Civil Assistant Surgeon, whose certificate he enclosed. The story of illness, however, was not corroborated, on examination, by the company's medical officers and the company refused to take him back. The company had a Standing Order, of which the Order 8(ii) was couched in the following language:

"Absent without leave—Any employee who absents himself for eight consecutive working days without leave shall be deemed to have left the company's service without notice thereby terminating his contract of service. If he gives an explanation to the satisfaction of the management, the absence shall be converted into leave without pay or dearness allowance.

Any employee leaving the company's service in this manner shall have no claim for re-employment in the mills.

But if the absence is proved to the satisfaction of the management to be one due to sickness, then such absence shall be converted into medical leave for such period as the employee is eligible with the permissible allowance."

Upholding the action of the company, Gajendragadkar, J (as he then was) observed:

"This standing order is a part of the certified standing orders which had been revised by an arbitration award between the parties in 1957. The relevant clause clearly means that if an employee falls within the mischief of its first part, it follows that the defaulting employee has terminated his contract of service. The first provision in Cl. (a) proceeds on the basis that absence for eight consecutive days without leave will lead to the inference that the absentee workman intended to terminate his contract of service. The certified standing orders represent the relevant terms and conditions of service in a statutory form and they are binding on the parties at least as much, if not more, as private contracts embodying similar terms and conditions of service. It is true that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn

and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and, normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf. But where parties agree upon the terms and conditions of service and they are included in certified standing orders, the doctrines of common law or considerations of equity would not be relevant. It is then a matter of construing the relevant term itself. Therefore, the first part of standing order 8(ii) inevitably leads to the conclusion that if an employee is absent for eight consecutive days without leave, he is deemed to have terminated his contract of service and thus relinquished or abandoned his employment."

The above observations were later on reaffirmed in a subsequent judgement of the Supreme Court in *National Engineering Industries Ltd. Jaipur vs. Hanuman*, (1967) II L.L.J. 883 (at page 887)

7. There is no doubt that from December 16, 1968 the workman was not attending the shift duty allotted to him. This had the effect of absenting himself from duty. The consequences of such absence are dealt with in clause 10(1) of the Standing Orders. The consequences are two-fold, (a) the workman shall be treated that is to say, deemed to have abandoned his job voluntarily and (b) his name shall be struck off from the roll of the company.

8. Mr. D. L. Sen Gupta, learned Advocate for the workmen, however, contended that the concerned workman never absented himself from duty because he was through out protesting against the irregular allotment of shift duty to him, by his letters dated December 16, 1968 (Ex.2), December 17, 1968 (Ex. 4), December 18, 1968 (Ex. 5), December 22, 1968 (Ex. 7), December 31, 1968 (Ex. 9). I do not think that these letters of protest help the workman in any way. He might have been protesting against the allotment of shift duty, which he thought was irregular, but, nevertheless, his clearest duty was to join in the shift and then protest. He could not take the liberty of absenting himself from duty and go on protesting. Therefore, in spite of his pungent letters, the factual absence from duty invited the mischief of Clause 10(1) of the Standing Orders. Mr. D.L. Sen Gupta next argued that the abandonment was a question of fact and here the workman had no intention of abandoning his duty but was merely insisting upon being put to his rightful duties. In this argument Mr. Sen Gupta is not right. The language used in Clause 10(1) is equivalent to a deeming clause, namely, where the workman absents himself from duty, with or without intention of abandonment, he shall be treated to have abandoned his job voluntarily. The emphasis is upon factual absence and not upon the intention to stay away from duty.

9. Mr. Sen Gupta further argued that the transfer of shift had been mala fide made upon the workman, with the intention of victimising him. He developed the argument in the following manner. According to him, the management was indulging in unfair labour practice. They did not like the formation of a strong labour union by G.S. Roy Choudhury to withstand such practice. Therefore, as soon as the labour union was formed, the management wanted to crush the newly formed labour union by victimising its General Secretary.

10. According to the evidence of G.S. Roy Chaudhury, the trade union was formed on April 7, 1968 and registered on April 29, 1969. The management was unwilling to admit that the trade union was formed on April 7, 1968. But even if I assume that the trade union was formed on April 7, 1968, there is the further evidence of G. S. Roy Chaudhury himself that the management was for the first time apprised of the formation of the trade union when the strike notice was served by the newly formed trade union on the management, on June 19, 1969. The irregular shift duty had been allotted to G. S. Roy Choudhury as far back as on December 16, 1968, may be even earlier. The information about the removal of his name from the Muster roll was conveyed to G. S. Roy Choudhury by a letter, dated January 31, 1969. All these were long before the company came to know about the existence of the newly formed trade union and the important position of G. S. Roy Chaudhury in the trade union itself. It does not appear from the evidence, that the newly formed union became a source of annoyance or offence to the management, at the time when the services of

G.S. Roy Chaudhury stood terminated. It does not, therefore, stand to reason that merely because of his connection with the newly formed trade union, the management became annoyed with G. S. Roy Chaudhury and tried to victimise him. I therefore make little of the argument of Mr. Sen Gupta on this point.

10. If the story of victimisation fails then the normal consequence of G. S. Roy Chaudhury's absence from duty from December 16, 1968 to January 31, 1969 would invite the mischief of Clause 10(1) of the Standing Order and would justify the striking off his name from the Rolls, which would amount to termination of his service.

11 Mr Sen Gupta also argued that under Clause 17(o) of the Standing Orders "Continuous absence without permission and without satisfactory cause for more than ten days" amounted to misconduct and merited dismissal and not action under Clause 10(1) of the Standing Orders. In this argument Mr. Sen Gupta is wholly wrong. The fact that the same conduct is dealt with on two different provision or clauses of the Standing Orders does not affect the applicability of clause 10(1) to the facts of the present case (vide Buckingham & Carnatic Company's case (supra) at p. 643).

12. I now turn to the second item in the Schedule to the Order of Reference. Cases of 7 workmen were included in this item. Mr. Sen Gupta submitted that he would not press the cases of the following workmen:

- (a) Shri Sipahi, Trammer
- (b) Shri Pujan, Trammer
- (c) Shri Lalay, Trammer, and
- (d) Shri Ramchander, Trammer.

He submitted that so far as the abovementioned workmen were concerned, there was no dispute now subsisting between the management and the workmen and that I shall be at liberty to make a 'no dispute' award so far as they were concerned. I make an award accordingly in respect of the above four workers.

13. I am thus left with three workmen, namely, Ram Samuj, Rajoo and Santoo. It is stated in the written statement filed by the workmen that Ramsamuj went on leave for 15 days from April 21, 1969 to May 7, 1969. He did not return within the leave originally granted. On May 7, 1969, he made an application for extension of leave along with a medical certificate. The said application for extension of leave was received by the company on May 12, 1969. The company however replied that the medical certificate was not in order and that he was being marked as absent from May 8, 1969. On May 23, 1969 the company wrote a letter to Ramsamuj informing him that his services stood automatically terminated in terms of Clause 10(f) of the Standing order.

14. In respect of Rajoo, it was pleaded, that he went on leave for 7 days from April 21, 1969 to April 28, 1969. He did not return on the expiry of the leave originally granted but applied with a medical certificate for extension of leave on April 27, 1969. It is urged, in the written statement, that the medical certificate was received by the company on May 2, 1969. Nevertheless, the company informed that he was being marked absent from May 29, 1969. On June 4, 1969 he was informed that his services stood terminated.

15. In respect of Santoo, it was pleaded, that he went on leave for 14 days from July 14, 1969 to April 29, 1969. He did not rejoin on the expiry of the leave originally granted but applied for extension of leave with a medical certificate. The application with medical certificate was received by the company on May 3, 1969. Nevertheless, the company wrote back to the workman that he was being marked absent from April 30, 1969. On June 4, 1969, the company wrote to the workman a letter informing him that his services stood terminated in terms of Clause 10(f) of the Company's Standing Order.

16. In the written statement filed by the management, it is stated in paragraph 13:

**in accordance with the provision of clause 10(f) of the Certified Standing Orders, intimations were given to the 7 persons whose names are specified in the Issue No. (ii) of the schedule to the order of reference. The company craves leave to refer to the alleged medical certificates submitted by the said workmen concerned. * * * The company reiterates that in view of the said provisions of the Certified Standing Orders, necessary intimations were sent to the said

seven persons concerned by the Company and the same were bona-fide and justified."

It is further stated in the said written statement:

"14(iii) Regarding Sri Ram Samuj, Trammer: The date of his application for extension of leave with medical certificate is 6-5-69 and not 7-5-69 as wrongly alleged.

15. The company submits further the following facts relevant to the cases of 5 under-mentioned C.R.O. Workers.

Regarding Sri Ram Samuj: He also received full and final payment without any protest on 30-6-69 i.e. before the commencement of the conciliation proceedings. He is at present working as Badli."

17. Now, clause 10(f) of the Standing Orders, Ex. 55(a), reads as follows:

"If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he—

(a) returns within ten days of expiry of his leave, and

(b) explain to the satisfaction of the manager his inability to return on the expiry of his leave.

In case, the workman loses his lien on the appointment, his services shall stand terminated automatically but he shall be entitled to be kept on the 'Badli List'. In case the workmen overstays his sanctioned leave for a continuous period of more than a month, he shall not be entitled to be kept even on the 'Badli List'."

It is not the case of the workmen that they returned within 10 days of the expiry of the leave. The management, it appears, was unwilling to accept the story of illness as alleged by the workmen on the ground that the medical certificates supplied by the workmen did not conform to the provision of Clause 10(h) of the Standing orders. The said clause is set out below:

"(h) The workman shall follow the following procedure with regard to submission of medical certificates in support of their applications for leave on the ground of sickness.

(1) In cases of the workman falls sick at Brajrajnagar, a certificate only of the Medical Officer in-charge of the Orient Colliery Dispensary shall be admissible.

(2) In case the workman goes on sanctioned leave outside Brajrajnagar and applies for extension on the ground of sickness, only the medical certificate of anyone of the following Medical Authorities shall be considered:

(i) The Medical Certificate of a Medical Authority of a Dispensary of the Coal Mines Welfare Organisation, or

(ii) The Medical certificate of a Civil Asstt. Surgeon of the Government Dispensary/Hospital.

(iii) The Medical Certificate of a registered Allopathic Medical Practitioner supported by a certificate of the Sarpanch of the Gram Panchayat in whose jurisdiction the workman may fall sick to the effect that the workman is actually sick.

(3) The application for leave on the ground of sickness not conforming with the above procedure shall be rejected."

The certificates submitted by the concerned workmen were by Ayurvedic or by Homoeopathic Medical Practitioners for example, Ex. 37 and 37(a) for Ramsamuj, Ex. 46 and 46(a) for Rajoo and Ex. 28 for Santoo. The certificates of Gram Sabha authorities are also not in order. So far as Rajoo is concerned, the Gram Panchayat's certificate is missing as will appear from Ex. 48 and 48(a). The certificate issued in favour of Santoo by the Pradhan of Gram Sabha is not a supporting certificate to the medical certificate granted to him (compare Ex. 28 and 29). So also is the case with Ram Samuj (compare Ex. 37 and 37(a) with Ex. 40 and 40(a)). If in these circumstances the management did not accept the story of illness, it cannot be said that they were wrong.

18. Mr. Ginwala invited my attention to the following passage from the judgment of the Supreme Court in National Engineering Industries Ltd. vs. Hanuman, (1967) II LLJ 883 (at pages 885 and 886):

"As to the second contention raised by the appellant, it appears from the standing order (1) in Sec. G that a workman who does not report for duty within eight days of the expiry of his leave loses his lien on the appointment. There is dispute between the parties as to what these words in the standing order, which evidences the conditions of service, mean. So far as Hanuman is concerned, he admitted in his statement in cross-examination that under the standing order if workman remained absent from duty for more than eight days his service stood terminated. This shows that the workman understood the standing order in question to mean. The standing order is inartistically worded, but it seems to us clear that when the standing order provides that a workman will lose his lien on his appointment in case he does not join his duty within eight days of the expiry of his leave, it obviously means that his services are automatically terminated on the happening of the contingency. We do not understand how a workman who has lost his lien on his appointment can continue in service thereafter. Where therefore a standing order provides that a workman would lose his lien on his appointment, if he does not join his duty within certain time after his leave expires, it can only mean that his service stands automatically terminated when the contingency happens."

and contended that since under Clause 10(f) the workman overstayed his leave, he lost his lien on his appointment, that is to say faced termination of service and that is what has happened in this case. In my opinion, Mr. Ginwala is right in his submission.

19. Mr. D. L. Sen Gupta argued that clause 10(h) of the Standing Orders included a modification made in July 6, 1968, insisting upon medical certificates by Allopathic medical practitioners, which was not the provision in the original Standing Order. Since the modification was made, without notice to Orient Colliery Sramik Congress, the modification was not binding on the members of the Sramik Congress. This argument has no substance. On July 6, 1968, the Sramik Congress was not a registered trade union and was not entitled to notice. The only registered trade union at that time was given notice, as appears from Ex. 53.

20. In the result I hold:

- (i) that the management of Orient Colliery was justified in terminating the employment of Sri G. S. Roy Chowdhury, Shot-firer-cum-Mining Sirdar, as done in this case and the workman is not entitled to any relief.
- (ii) that there is no dispute now subsisting between the management and the following workman, namely, Sri Sinah, Trammer, Shri Pujan, Trammer Shri Lalav, Trammer, and Shri Ramchandar, Trammer and I pass a 'no dispute' award so far as they are concerned.
- (iii) that the management of Orient Colliery was justified in terminating the lien of Sri Ram Samuj, Trammer, Sri Raju, Trammer and Shri Santoo, Trammer with effect respectively from May 23, June 4 and June 25, 1969 and they are not entitled to any relief.

This is my award.

The 20th May, 1970.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 1/9/69-LRII.]

New Delhi, the 8th June 1970

S.O. 2135.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the matter of an application under section 33A of the said Act from Prabhu Ram, Night Guard, Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office, Kusunda, District Dhanbad, which was received by the Central Government on the 23rd May, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT
DHANBAD

COMPLAINT NO. 2 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Shri Prabhu Ram, Night Guard, Balihari Colliery of M/s. Balihari Colliery
Company (P) Ltd. *Complainant.**Vs.*

M/s. Balihari Colliery Co. (P) Ltd.

Opp. Party.

APPEARANCES:

For complainant—Shri S. V. Achariar, General Secretary, Hindustan Khan
Mazdoor Sangh.*For Opp. Party*—S/Sri S. S. Mukherjee & B. Joshi, Advocates.

INDUSTRY: Coal.

STATE: Bihar.

Camp Dalmianagar, dated the 13th of May, 1970

AWARD

1. This is a complaint under section 33 A of the Industrial Disputes Act, 1947 by one Sri Prabhu Ram, Night Guard against the employer in relation to the Balihari Colliery, Alleging that the opposite party has been guilty of contravention of the provisions of section 33 of the Act.

2. The case of the complainant is that an industrial dispute regarding retrenchment of 376 workmen of Balihari Colliery is pending in reference No. 22 of 1968 before this Tribunal. The petitioner Sri Prabhu Ram is a member of Hindustan Khan Mazdoor Sangh. Reference No. 22 of 1968 is being sponsored by the Hindustan Khan Mazdoor Sangh. The petitioner was dismissed on 29th July 1967 while reference No. 22 of 1968 was pending before this Tribunal. The opposite party did not make any application before this Tribunal for approval of the action of the management in dismissing the petitioner Sri Prabhu Ram.

3. According to the petitioner he was innocent and had not committed any offence or misconduct. The petitioner was served with a chargesheet dated 2nd April 1967. The charge was that he abused and assaulted Shree Shantilal Overman, incharge near the gate of No. 10 pit of Balihari Colliery on the 2nd April, 1967 at about 7-15 A.M. without any provocation and thus committed misconduct under clause 29(1) and 29(5) of the Standing Orders.

4. The petitioner submitted his written explanation on 13th April 1967 denying the charges. According to the petitioner no enquiry was held and the dismissal of the petitioner was thoroughly *malafide* and was a case of victimisation. The petitioner was an active member of Hindustan Khan Mazdoor Sangh and since he refused to become a member of pocket union backed by the management the petitioner was falsely implicated in a fabricated charge and has been victimized.

5. The action of the opposite party in withdrawing application under section 33(2) (b) of the Industrial Disputes Act, 1947 for approval of dismissal of the petitioner on the 8th of November, 1968 was *malafide*. In short, the case of the petitioner is that he was dismissed from service on 29th July 1967 while reference No. 22 of 1968 was pending before this Tribunal and thus the opposite party has contravened the provisions of section 33 of the Industrial Disputes Act, 1947.

6. The opposite party filed the written statement on 27th December, 1968. On facts it was stated that the chargesheet dated 2nd April, 1967 was issued to the applicant and he was suspended during enquiry. The applicant submitted a reply to the chargesheet, dated 13th April, 1967 denying the charges. The notice dated the 29th April, 1967 was issued to the workman fixing the date of enquiry on 3rd May, 1967 at 9 A.M. in the Director's office. The applicant workman, however refused to attend the enquiry and hence he did not attend the departmental enquiry fixed on 3rd May, 1967. The enquiry was again adjourned to 9th May, 1967

at 3 P.M. But even on that date the complainant workman did not attend the enquiry and therefore, it was held in his absence on 9th May, 1967. In the departmental enquiry the misconduct mentioned in the chargesheet was satisfactorily established and the complainant was dismissed by letter dated 28th July, 1967 with effect from 29th July, 1967.

7. Reference No. 22 of 1968 was disposed of by an award dated 29th September, 1968. In this reference the opposite party under misapprehension of law had filed an application under section 33 (2) (b) of the Industrial Disputes Act, 1947 for approval of dismissal of the petitioner. But the same was withdrawn by the opposite party on the 8th of November, 1968.

8. According to the opposite party the complainant was not a workman concerned in the reference No. 22 of 1968 and consequently the employer have not violated the provisions of section 33 of the Industrial Disputes Act, 1947 and as such the present application is not legally maintainable. It was alleged that the dismissal of the complainant was legal *bona fide* and based on proved misconducts. According to the opposite party they had also not violated any of the provisions of Section 33 of the Industrial Disputes Act, 1947 in dismissing the complainant. Since the complainant was not a workman concerned in reference No. 22 of 1968, the present application is not maintainable.

9. On behalf of the opposite party 2 witnesses viz. MW-1 Sri A. K. Mazumdar, Head clerk of Balihari Colliery and MW-2 Sri Ram Lakhan Singh, Chaprasi of the Balihari Colliery have been examined. Sri Ram Lakhan Singh stated in his evidence that he knows Sri Shantilal A. Bhatt, Overman and that Sri Bhatt was assaulted by the concerned workman Sri Prabhu Ram, Night Guard and that there was a departmental enquiry in that connection and he was witness in that enquiry. The enquiry was held by Sri S. R. P. Singh. On the other hand the complainant examined Sri Shantilal A. Bhatt. He stated in his evidence that the concerned workman Sri Prabhu Ram never assaulted him. Ext. M-12 is the enquiry proceeding. It shows that in that enquiry proceeding Sri Shantilal A. Bhatt was examined as a witness on behalf of the management and there he stated before the Enquiring Officer that the concerned workman Sri Prabhu Ram abused him, caught hold of his neck and assaulted him. The signature of Sri Shantilal A. Bhatt appears at the foot of his deposition. Sri Shantilal A. Bhatt has appeared before me as a witness on behalf of the complainant and has denied his signature on enquiry proceeding Ext. M-12. Before me he has signed in a different style. He wants to show that his signature on the enquiring proceeding Ext. M-12 does not tally with his admitted signature on the deposition of this case. The management has also filed 2 items of documents which is First Aid certificate Ext. M-5 and Ext. M-6 Co-operative Society Loan Register. These two documents also contain the admitted signature of Sri Shantilal A. Bhatt. From the naked eye it appears that the signature of Sri Shantilal A. Bhatt on Ext. M-12, the enquiry proceeding tally with his admitted signature on Ext. M-15 and M-16. Much reliance cannot be placed on the statement of Sri Shantilal A. Bhatt because he has also been dismissed by the management in the month of April, 1968 and therefore, he also appears to be inimical against the management.

10. Therefore, I find that there is no convincing evidence that Sri Shantilal A. Bhatt did not appear as a witness in the departmental enquiry held by the management.

11. The point for consideration is whether the opposite party have contravened the provision of section 33 of the Industrial Disputes Act, 1947?

12. There are certain admitted facts. Reference No. 22 of 1968 was originally referred to the Industrial Tribunal, Dhanbad by the Central Government's order No. 2/73/66-LRII dated the 9th of May, 1966 and thereafter it was transferred to the Central Govt. Industrial Tribunal No. 2, Dhanbad by the Central Government's order No. 8/25/67-LRII dated the 8th of May, 1967. By the subsequent order No. 8/71/68-LRII dated the 13th of August, 1968, the Central Govt. transferred the dispute to this Tribunal. The reference was disposed of by the award dated 20th of September, 1968. The applicant was dismissed on 29th July, 1967. The opposite party had filed an application under section 33(2) (b) of the Industrial Disputes Act, 1947 for the approval of the dismissal of the petitioner but the same was later on withdrawn by the opposite party on the 8th of November, 1968. Therefore, the case of the complainant was that he was dismissed on 29th July, 1967 while the reference No. 22 of 1968 was pending before this Tribunal.

13. Before me the preliminary point was taken that the concerned workman Sri Prabhu Ram was not a workman concerned in the dispute which was in question in reference No. 22 of 1968. It was not necessary for the management to file

an application under Section 33 (2) (b) of the Industrial Disputes Act. It was therefore, submitted by the opposite party that the present application under section 33 A is not maintainable.

14. The concerned workman Sri Prabhu Ram was dismissed on the 29th of July, 1967. At that time reference No. 22 of 1968 was pending before this Tribunal. The case of the opposite party is that Sri Prabhu Ram was not a workman concerned with this dispute. Reference No. 22 of 1968 was for justification of re-employment, submitted by the opposite party that the present application under section 33 A is not maintainable. The name of the concerned workman Sri Prabhu Ram appears at serial No. 227 of the order of reference. The award (Ext. M-2) in reference No. 22 of 1968 shows that the concerned workman Sri Prabhu Ram whose name appears in serial No. 52 of list 'A' was the workman who was taken back in service.

15. The point for determination is whether the concerned workman Sri Prabhu Ram may be said to have been connected in the dispute in reference No. 22 of 1968 which was pending before this Tribunal?

16. The law on this subject is laid down by two important decisions of the Supreme Court in *New India Motors Private Ltd. V. K. T. Morris* (1960-I, L.L.J., page 551) and *Digwadih Colliery V. Ramji Singh* (1964-II-L.L.J., page 143). The combined effect of these two decisions of Supreme Court is that there must be some common feature in the nature of the dispute in the two cases which should serve as connecting link thereby rendering the workmen in the latter case also, workmen concerned in the dispute in the earlier case. In other words the mere fact that the same Union has taken up the cause of the two workmen or else that by virtue of S. 18(3) (b) of the Act all workmen may be bound by the award in the earlier dispute may not suffice unless there is some other common feature in the two disputes.

17. In the chargesheet dated 2nd April, 1967 that was issued to Sri Prabhu Ram, the defence of Sri Prabhu Ram was that he was innocent and that he was being victimised for his trade union activities. There is no question of victimization in respect to the concerned workman Sri Prabhu Ram in reference No. 22 of 1968 as the opposite party had rescinded retrenchment in his case and agreed to take him back in service.

18. Therefore, the petitioner, Sri Prabhu Ram was not the workman concerned with dispute in reference No. 22 of 1968.

19. The opposite party had filed an application under section 33(2) (b) of the Industrial Disputes Act, 1947 for approval but the same was ultimately withdrawn by the opposite party on 8th November, 1968. According to the opposite party they have filed the application under section 33(2) (b) of the Industrial Disputes Act, 1947 under misapprehension. There is nothing to prevent the employers from withdrawing the application made under proviso of section 33(2) (b) when the employers find that the application has been made under misapprehension.

20. In this view of the evidence the concerned workman Sri Prabhu Ram, Night Guard was not a workman connected with the dispute which was in question in reference No. 22 of 1968. It was not necessary for the management to file an application for approval of the punishment by the Tribunal under section 33(2)(b). Therefore, this application under section 33 A is not maintainable.

21. The complaint under section 33 A is held to be non-maintainable and my award therefore, is that this complaint is not maintainable. Let it be submitted to the Central Government.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 8/85/70-LRII.]

T. K. RAMACHANDRAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th June 1970

S.O. 2136.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Arjun Prasad Jayaswal, Assistant Inspector, Labour Welfare (Mines) under the Coal Mines Labour Welfare Fund Organisation to be an Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 1(1)/70-MIL.]

C. R. NAIR, Under Secy.

(श्रम और रोजगार विभाग)

नई दिल्ली, 6 जून 1970

का० आ० 2136 .—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री अर्जुन प्रसाद जायसवाल, कोयला खान श्रम कल्याण निधि संगठन के अधीन सहायक निरीक्षक श्रम कल्याण (खान), को एतद् द्वारा मुख्य खान निरीक्षक के अधीनस्थ खान निरीक्षक नियुक्त करती है।

[संख्या 1(1)/70-एम-II]

सी० आर० नायर, धवर सचिव।

